

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(D) 17/2024

BASHIR AHMAD KHAN AND ...Petitioner/Appellant(s)
ORS.

Through: Mr. Rizwan-ul-Zaman, Advocate

Vs.

GIRIDHAR ARAMANE AND ORS. ...Respondent(s)

Through: Ms. Rehana Qayoom, Adv. vice
Mr. T.M. Shamsi, DSGI
Mr. Faheem Shah, GA
Ms. Maha Majeed, AC vice
Mr. Mohsin Qadri, Sr. AAG

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

17.08.2026

1. This is a petition for initiating contempt proceedings against the respondents for willful disobedience and non-compliance of the judgment dated 07.03.2019 passed by this Court in LPAOW No. 09/2018 titled "*Bashir Ahmad Khan and others Vs. Union of India and others*". The operative portion of the judgment reads as under:

"In view of the above, the instant Letter Patent Appeal is allowed and impugned Judgment dated 07.02.2018 passed in OWP No. 1398/2014 is set aside and the respondents 1 to 5 are directed to make requisition for the aforesaid land, as utilized from 1994 with the respondents 6&7 within a period of four weeks. Respondents 6&7 on

receipt of the requisition shall immediately take steps as required by law for settlement of the claim of the land owners for payment of rent for the period it has remained under occupation of the Security Forces and till the time same continues as such. The claim of the land owners for payment of rent shall be settled after providing opportunity of being heard to the parties.”

2. From the reading of the operative portion of the judgment, it is abundantly clear that the only direction which this Court issued to the respondents was to make requisition of the subject land belonging to the petitioners and settle their claims in respect of payment of rent for the period the land had remained under the occupation of the Security Forces and till the same continues to remain in their occupation.
3. In response to the notice issued in this contempt petition, the respondents have filed their compliance reports and have indicated that the requisite steps for requisition have already been taken and the rental amount assessed has been deposited before this Court.
4. Mr. Rizwan-ul-Zaman, learned counsel appearing for the petitioners, submits that the rates have not calculated by the Collector as per the nature of the soil/land. He submits that the rental should have been calculated by taking into account the nature of land as ‘fruit bearing orchard/Bagh-e-Khushik’, whereas the same has been taken as ‘Labroo Maidani’ and, therefore, a lesser rental has been paid.

5. We are afraid that, we cannot get into the determination of this question in contempt jurisdiction. The judgment, as it is, has been complied with and, therefore, there is no cause to proceed further in these contempt proceedings.
6. In view of above, the contempt proceedings in this petition are closed, leaving it open to the petitioners to approach the Collector concerned with the grievance as projected by the learned counsel before us in this contempt petition. Needles to say that, in case the petitioners project the grievance before the Collector concerned and substantiate the same with the revenue record, the same would be looked into and appropriate orders passed by the Collector concerned. So far as occupation of the land after 28th April, 2016 by the CRPF is concerned, the petitioners have a fresh cause of action and may work out their remedy against them in accordance with law.
7. The amount deposited before the Registry of this Court shall be released in favour of the petitioners after due verification and identification.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

17.08.2026

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