

**IN THE HIGH COURT OF JAMMU & KASHMIR AND ADAKH
AT SRINAGAR**

WP(C) No. 1570/2026

Chowdhar Shakeel Bajard ...Petitioner(s)/Appellant(s).

Through: Mr. M.M.Dar, Advocate

Vs.

UT of JK and Ors.

...Respondent(s).

Through: Mr. Mohsin Qadiri, Sr. AAG, with Ms Maha
Majid, Adv.

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

14.07.2026

01. By this petition, the petitioner is seeking a direction to the respondents to quash the impugned proceedings pending before the respondent no. 5 being appellate authority under Section 12 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

02. It is stated by learned counsel for the petitioner that he has preferred an appeal against the Order dated 11th March, 2026, whereby the eviction notice has been issued against the petitioner, before the appellate authority on 9th April, 2026. However, no proceedings have initiated in the said appeal. Learned counsel for the petitioner further submits that cancellation order was never served upon the petitioner.

03. Mr. Mohsin Qadiri, learned Sr. AAG, was directed to produce the record. A perusal of the record reveals that only a notice has

been issued to the respondents on 17th June, 2026, the next date is fixed on 9th July, 2026.

04. Mr. Mohsin Qadiri, learned Sr. AAG, states that the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 is not applicable with respect to the issuance of impugned order dated 11th March, 2026, which has been issued by the Deputy Superintendent of Police, (Estate) Security. He further states that SSP, Security has already cancelled the accommodation which was allotted to the grandfather of the petitioner vide Order dated 6th March, 2026. He has relied upon the Judgment passed in WP(C) No. 1365/2026 in case titled "*Abdul Rashid Zargar and Anr. Vs. UT of JK and Ors.*", wherein the petition has been dismissed stating therein that no right is accrued to a person whose next kin and when the original allottee is passed away. Copy of the Judgment, so produced by Mr. Mohsin Qadiri, learned Sr.AAG, is taken on record.

05. Learned counsel for the petitioner submits that petitioner herein would feel satisfied if the instant petition is disposed of with a direction to the respondent no.5-District Magistrate, Srinagar (Appellate Authority) to decide the appeal stated to have been preferred by the petitioner under Section 12 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 within some reasonable time frame.

06. Be that as it may, the instant petition is disposed of with a direction to the respondent no. 5-District Magistrate, Srinagar to

decide the appeal preferred by the petitioner within a period of four weeks from the date a copy of this Order is served upon him.

He is directed to look into the Judgment referred supra.

07. Let the appeal preferred by the petitioner come up for consideration before the District Magistrate, Srinagar (Appellate Authority) on 20th August, 2026. Accordingly, the parties are directed to appear before the District Magistrate, Srinagar, on the aforesaid date.

08. Mr. Mohsin Qadiri, learned Sr. AAG, states that till 20th July, 2026, no coercive measures shall be taken against the petitioner.

07. **Disposed of** in the aforesaid terms.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
14.07.2026
"Shamim Dar"