

S.No.41

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

AT SRINAGAR

(through virtual mode)

Pronounced on: 29.07.2026

Uploaded On:30.07.2026

LPA No.165/2026

CM No.4825/2026

1. Abdul Rashid Zargar
Aged about 48 years
S/o Mohammad Ashraf Zargar and Saleema
Begum R/o Trehgam Kupwara
At Present: Gul paradise Hotel Rajbagh Srinagar
Room no. 103
2. Faisal Ashraf Zargar
Aged about 38 years
S/o Mohammad Ashraf Zargar and Saleema
Begum R/o Trehgam Kupwara
At Present: Gul paradise Hotel Rajbagh Srinagar
Room no. 103.

....Appellant(s)

Through:- Mr. Sami Lone, Advocate

Versus

1. Union Territory of Jammu & Kashmir through
Inspector General of Police, Security at Srinagar.
2. Superintendent of Police, Security Kashmir,
Srinagar.
3. Deputy Superintendent of Police, Estates
Security Kashmir at Srinagar.
4. Director Estates, Jammu & Kashmir at Srinagar.

...Respondent(s)

Through:

Coram: HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

29.07.2026

Sanjeev Kumar Chief Justice (A)

1. This letters patent appeal by the appellants is directed against an order and judgment dated 8th July, 2026 passed by a learned Single Judge of this Court ["Writ Court"] in WP(C)

No.1365/2026 titled *Abdul Rashid Zargar and another v. Union Territory of J&K and others*, whereby the Writ Court has dismissed the petition filed by the appellants seeking retention/allotment of accommodation i.e. Single Room No.103 in Hotel Gull Paradise Guest House, Rajbagh, Srinagar.

2. Learned counsel appearing for the appellants would submit that the aforesaid accommodation was allotted to their mother Mst. Saleema Begum, who was a political activist and facing potential security threat to her life and property from the anti-national elements active in their area. Learned counsel would argue that after the death of their mother, the respondents are not permitting the appellants to avail the benefit of the accommodation allotted to their mother on the ground that they do not face any threat perception and that no formal allotment has been made in their favour.
3. Having heard learned counsel for the appellants and perused the material available on record, we are of the considered opinion that the appellants cannot claim, as a matter of right, a secured accommodation, unless they face threat perception, duly assessed by the competent authority.
4. It may be true that their mother being a political activist may have been facing security threat to her life and property at the hands of anti-national elements active in the area at the relevant

point of time but that cannot ipso facto mean that her children, too, are facing threat that too after a huge time gap.

5. Be that as it may, the Writ Court has taken into consideration all aspects of the matter including the right of the appellants to use and occupy Room No.103 at Hotel Gull Paradise Guest House, Rajbagh, Srinagar, which, at one point of time, was allotted in favour of their mother Mst. Saleema Begum.
6. In view of the aforesaid, we find no merit in this appeal and the same is, accordingly, dismissed. However, we leave it open to the appellants to approach the competent authority, in case they are facing any threat to their lives and property. We are sure that if the appellants approach the competent authority with such request, same shall be addressed on the touchstone of the policy in-vogue for dealing with the persons facing threat perception to their life and property from the terrorists and antinational elements.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice(A)

JAMMU
29.07.2026
Vinod, Secy

Whether the order is reportable: Yes/No