

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 2602/2022 CM 6569/2022 CM 7166/2022

JAHANGIR AHMAD KHAN

...Appellant(s)/Petitioner(s)

Through: Mr. Aswad Attar, Advocate

Vs.

**UNION TERRITORY OF J AND K AND
ORS. (REVENUE DEPARTMENT)**

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

26.02.2026

1. By this petition, petitioner herein has challenged notice dated 11.11.2022, issued by Executive Magistrate 1st Class Anantnag, emanating from Additional Deputy Commissioner's order dated 09.11.2022, whereby, the petitioner has been directed to vacate quarter No. 22 at Government Housing Colony Khanabal, Anantnag within a period of 24 hours.

Factual Matrix:

2. It is stated by the petitioner that he hails from Rampora Mattan, District Anantnag and has served in the Police Department. After eruption of militancy in the erstwhile State of Jammu and Kashmir in the early 1990s, the son of the petitioner was hacked to death by the anti-social elements. The residential house of the petitioner was also set ablaze, compelling the petitioner and his family to shift to a safer location in Anantnag Town owing to grave and imminent threat to their lives and property. Considering the prevalent threat perception, the petitioner approached the competent authorities in District Anantnag seeking allotment of secure accommodation. Consequently, vide allotment order dated 23.03.2013, Quarter No. 22 at Housing Colony, Khanabal, District Anantnag, came to be lawfully allotted in favour of the petitioner.
3. That the respondents sought to evict the petitioner from the allotted accommodation, constraining him to approach this Court by way of filing WP(C) 1054/2021, however, the decision of eviction taken by the respondents was withdrawn and the allotment already made in favour of the petitioner was extended, rendering the writ petition infructuous.

4. That on 11.11.2022, the petitioner was served with an impugned notice/order issued by respondent No. 3, styled as a “Notice of Eviction,” stating therein that the petitioner had been directed to vacate the allotted accommodation pursuant to order dated 09.11.2022 issued by respondent No. 2. However, the said order was not passed in conformity with the mandatory provisions of the Public Premises Act of 1971.
5. Learned counsel for the petitioner states that the impugned order has been issued by respondents in brazen disregard to Section 4 & 5 of the Public Premises Act, is not in consonance with law and the principles of natural justice.
6. Learned counsel appearing for respondent Nos. 1 to 3 fairly concedes that the impugned order was not passed strictly in accordance with the procedure prescribed under law. It is candidly admitted that the order dated 11.11.2022 is legally unsustainable and, therefore, liable to be set aside.
7. Heard learned counsel for the parties and perused the material made available.
8. It is an admitted position that the impugned order dated 11.11.2022 has not been issued in adherence to the procedure contemplated under the Public Premises Act, 1971. Respondent No. 3 appears to have mechanically acted upon the directions of respondent No. 2 without complying with the mandatory procedural safeguards envisaged under the statute.
9. In view of the above, the impugned order dated 11.11.2022 is hereby quashed with a direction to the respondents to proceed ahead in accordance with law and till the time any action is contemplated pursuant to such exercise, respondents are directed not to dispossess the petitioner and his family from the Quarter No. 22, Housing Colony, Khanabal, Anantnag.
10. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

26.02.2026

“Adil Ismail”

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| ❖ Whether the Order is Reportable? | No. |
| ❖ Whether the Order is Speaking? | Yes |