Sr. No. 228

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CPOWP 190/2018
CM Nos.1255/2020,
2370/2019, 1537/2019

(Through video conference)

Sham Lal & anr. .....Petitioner(s)/Appelant(s)

Through :- None

V/s

R.K. Goyal & ors. .....Respondent(s)

Through :- None

Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER

This contempt petition has been filed for non-compliance of judgment dated 25.10.2017 passed in OWP No.1692/2017, whereby the Chairman, Rent Assessing Committee, District Ganderbal was directed to assess the rent of the occupied building and the land appurtenant to it in pursuance of Govt. Order No 225(P) of 2009 dated 23.03.2009 issued in this behalf. Respondent No 4 was also directed to assess the damage caused to the occupied building by respondent No 1 through respondent No 3. Thereafter, after its assessment, respondents 2 and 4 were directed to submit a report to respondent Nos. 1 and 3 for release of assessed rent and the damage caused to the occupied building of petitioners.

Statement of facts has been filed by respondent No.3 contending therein that following the mass migration of Kashmiri Pandits from the valley during the turbulent period of late 1990's and, thereafter, in order to secure the left

behind standing properties of the migrants, the District Police Ganderbal, in accordance with the will of the Government, took a considered decision to provide and establish security/guarding/picketing of all such left behind residential house properties etc of the Kashmiri Pandits. And, in pursuance thereof, a regular 1+4 guard post from District Police Lines Ganderbal was established at the residential house of Sham Lal. A single room of the said house was under use as guard post only for the purpose of protection of the migrant properties. It is further contended that the other rooms of the Building were not under usage/occupation by guard personnel in any form whatsoever. Further, no internal/external damage has been done to the house by the guard personnel as per verification from Dy. Superintendent of Police Hqrs. Ganderbal vide No. Hqrs/MISC/19/415 dated 19-01-2019.

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It is further contended that the District Rent Assessment Committee held a meeting on 31-11-2018, whereby answering respondent was directed to negotiate the issue and settle the same. However, the petitioner did not appear before the undersigned for making the due assessment. However, the Deputy Commissioner Ganderbal passed an Order vide No. DC/GBL/ARA/Rent/1464-66 dated 24-01-2019 holding that only one room stand occupied by the Police Department for the purpose of deployment of Security Guard for security and Safety of the migrant properties, as such petitioners are entitled for rent to the extent of one room only. Accordingly, in light of said order, the rent assessment was made by the Rent Assessment Committee, Ganderbal and, as per that assessment, the undersigned has released the rent amounting to Rs.1,21,822/- on 31-01-2019 for the period w.e.f 03-03-1998 to 31-12-2018 in

favour of the petitioners through Treasury Voucher No. 52 dated 31-01-2019 and the money has also been transferred in their accounts.

Therefore, in view of the statement of facts filed by the respondent, nothing survives in the contempt petition and the same is, accordingly, dismissed. Rule issued, if any, shall stand discharged.

JAMMU
18.12.2020
(Anil Sanhotra)

(TASHI RABSTAN)
JUDGE



ANIL SANHOTRA
2020.12.28 16:10
I attest to the accuracy and
integrity of this document