Sr. No. 219

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CPOWP No. 324/2018 in
OWP No. 1169/2018

(Through video conferencing)

Arjan Nath Bhat and others .....Petitioner(s)

Through :- None

V/s

Younis Malik, Dy. Comm. and others .....Respondent(s)

Through :- Mr. S.S. Nanda, Sr. AAG

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

ORDER

This contempt petition has been filed against the respondent for flouting order dated 07.06.2018 passed in OWP No. 1169/2018, whereby it is provided that the respondent No. 2 shall take immediate steps to preserve the property belonging to the petitioners within the purview of Jammu and Kashmir Migrant Immoveable Property (Preservation, Protection and Restrained on Distress Sales) Act, 1997 and if necessary by removing the encroachment if any.

Statement of facts has been filed by the respondents. Relevant Para-6 is reproduced as under:-

> "That as reported by Tehsildar Anantnag the Petitioners Arjan Nath S/o Shree Dhar Joo Bhat, Sunita, Aroma and Sandhya daughters of Bansi Lal are not recorded as owners in the land under Survey No's mentioned in the petition or otherwise anywhere in the record of the said Estate. A copy of report of Tehsildar Anantnag is enclosed as Annexure R-2 as referred to above, for kind perusal of the Hon'ble Court. Moreover, land in question was owned by Bansi Lal and

Avtar Krishan Ss/o Mehtab Ram and the Petitioner No. 2 to 4 are the daughters of Bansi Lal S/o Shree Dhar Joo Bhat as is mentioned in para 3 of the writ petition, which clearly indicates that the petitioners have deceived the Hon'ble High Court by misrepresentation of facts. Hence there arises no need of taking action under the Jammu & Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act 1997."

In view of the statement of facts above referred, no contempt is made out, the same is accordingly closed. Proceedings, if any, initiated against the respondents are dropped.

(TASHI RABSTAN)
JUDGE

JAMMU
05.12.2020
Pawan Angotra



PAWAN ANGOTRA
2020.12.08 11:13
I attest to the accuracy and
integrity of this document