

S.No. 02
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP (S) 70/2025
CM No. 1597/2025

Dwarka Das

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

Through: Mr. Vikas Malik, Sr. Advocate with
Ms. Areeba Ahad, Advocate

Vs.

Bilal Mohi Ud Din Bhat And Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
02-04-2025

1. This non-meaning contempt petition has underlined facts and circumstances which present disturbing pictures for this court to take due notice.
2. Writ petition WP(C) No. 47/2022 came to be filed on 13.01.2022 by one Janak Raj Arora thereby seeking a writ of mandamus commanding the respondents named in the writ petition to release the rent of the property in question measuring 18 marlas 136 sq. ft. under survey No. 104 with a double storied house thereupon in estate Tashwan Tehsil South District Srinagar, opposite Shiv Mandir Srinagar, according to shares of legal representatives/legal heirs/

children of late Shri Chaman Lal Arora, the original property holder/owner.

3. In addition, said Janak Raj Arora, as the writ petitioner, also claimed a writ of mandamus unto the official respondents not to release the rent with respect to the property in reference in favour of the contesting respondents.
4. In the said writ petition WP(C) No. 47 of 2022, seventeen (17) persons came to be named as respondents.
5. Respondents No. 1 to 6 were official respondents whereas respondent No. 7-Dalip Kumar Arora, respondent No. 10-Smt. Kamla Rani, respondent No.11-Devnder Kumar Arora, respondent No.12-Janak Raj Arora, respondent No.13-Preetia Kochar, respondent No.14-Ramesh Rani, respondent No. 15-Dawarka Das Arora, respondent No.16-Kamal Kishore Arora, respondent No.17-Madhur Kochar, all were children of Chaman Lal Arora, the original holder/owner of the property in reference, except the respondent No. 8-Azhar Hussain Bhat and respondent No.9-Suraya.
6. In the writ petition, Dalip Kumar Arora as respondent No. 7 along with respondent No. 8-Azhar Hussain Bhat and respondent no. 9-Suraya were shown to be contesting respondents whereas respondents No. 10 to 17 were shown as proforma respondents.

7. In terms of an order dated 14.01.2022, the writ court came to restrain the writ respondent No. 6 from releasing the rent pertaining to the land in property in reference in favour of the writ respondents No. 7 to 9.
8. The writ petition WP(C) 47/2022 came to be disposed of by the writ court vide an order dated 01.09.2022 by directing the official respondents, in particular respondent no. 6, to disburse the entire arrears of rent of the subject property from 1989 to 2017 to the writ petitioner-Janak Raj Arora subject to production of a legal heir certificate issued by a competent authority for which purpose the writ petitioner-Janak Raj Arora was to approach the Tehsildar South, Srinagar with an application which then was to be disposed of after hearing the respondent no. 7-Dalip Kumar Arora. On production of the legal heir certificate, the writ respondent no. 6 was to take immediate steps for disbursing the arrears of rent having fallen due to the legal heirs of late Sri Chaman Lal Arora from 1989 to 2017.
9. It seems that Janak Raj Arora, the writ petitioner in WP (C) 47/2022, did not volunteer to approach the Tehsildar South, Srinagar with any application for getting the legal heir certificate.

10. It seems that none of other children of Chaman Lal Arora ventured to seek issuance of legal heir or succession certificate in his/her favour so as to lay claim for receiving the arrears of rent proportionate to his/her share relatable to the rent period of 1989 to 2017.
11. It comes out that later a writ petition WP (C) 224 of 2022 came to be preferred by Dalip Kumar Arora, who figured as respondent No. 7 in the writ petition WPC No. 49 of 2022 filed by Janak Raj Arora.
12. By reference to the said writ petition WP(C) No. 224 of 2022, Dileep Kumar Arora came forward with a contempt petition CCP (S) No. 163/2024 which resulted in an order dated 25th of October, 2024 which facilitated release of deposited amount of Rs. 31,86,545/- (thirty one lakh eighty six thousand five hundred forty five) as part of the rental arrears for the period in reference, in his favour only.
13. The release of amount of Rs. 31,86,545/- (thirty one lakh eighty six thousand five hundred forty five) was directed subject to an undertaking by Dileep Kumar Arora that if his claim is proved otherwise, then he would remit back the amount to the Registry.
14. Following the footsteps of Dileep Kumar Arora, one of the sons of Chaman Lal Arora namely Dwarka Das Arora, who

is 88 years old person, comes forward with the present contempt petition CCP (S) No. 17 of 2025 by relation to writ petition WP(C) No. 47 of 2022 of Janak Raj Arora for seeking initiation of contempt proceedings against eight respondents, all of them being public authority/officials but not including Janak Raj Arora-the petitioner of WP(C) No. 47 of 2022, with respect to whom the writ court direction had come to take place in terms of an order dated 01.09.2022.

15. When pointed out by this court that how contempt is sought to be maintained by the petitioner, the learned counsel for the petitioner submits that the petitioner in due exercise of his own status and right approached the Tehsildar South, Srinagar with an application for issuance of a legal heir certificate in his favour but the said application has not been given any consideration whatsoever by the Tehsildar South, Srinagar on the plea that unless and until all the legal heirs would join together in one application, no exercise and indulgence from his end in the matter would be undertaken and extended.
16. In the facts and circumstances, this court *suo moto* impleads Dileep Kumar Arora as party-respondent No. 9 in the present contempt petition for the purpose of an effective adjudication of the matter.

17. Issue notice to the respondent No. 2-Tehsildar South, Srinagar and also to respondent No. 9-Dileep Kumar Arora.
18. Petitioner to file fresh Memo of Parties by reflecting Dileep Kumar Arora as respondent No. 9 bearing full particulars for facilitating issuance of notice to him as per the directions of this court hereby given. Registered postal cover to be furnished by the petitioner within 7 days.
19. List this contempt petition along with CCP (S) No. 163/2024 on 2nd of May 2025.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
02-04-2025
shoaib