

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

CM No. 5385/2025 in  
WP ( C ) no. 832/2025

Kashmir Valley Cooperative  
House Building Society Ltd.

..... Petitioner(s)

Through: -

Mr. T. H. Khawja, Sr. Advocate with  
Mr. Abdul Iman Abdul Muizz, Advocate.

**Versus**

UT of J&K & Ors.

..... Respondent(s)

Through:-

Mr. Faheem Nissar Shah, GA.

**CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE**

**ORDER**

22.08.2025.

1. Upon coming up instant application for consideration, counsel for the petitioner/applicant would submit in furtherance of the judgment passed by this Court on 15<sup>th</sup> July, 2022 in WP (C) titled "*Kashmir Valley Cooperative House Building Society Ltd. v. UT of J&K & Ors*", followed by the judgment dated 7<sup>th</sup> April, 2023, passed in WP (C) No. 174/2023 titled "*Kashmir Valley Cooperative House Building Society Ltd. v. UT of J&K & Ors*", coupled with order dated 18<sup>th</sup> April, 2025, passed by this Court in the accompanying petition WP ( C ) No. 832/2025, the respondents/non-applicants set the process of holding of elections of the Board of Trustees of J&K State Co-operative Bank Ltd. into motion by issuing a notice dated 30<sup>th</sup> June, 2025 for conducting the said elections on 1<sup>st</sup> September, 2025.

2. Learned counsel for the petitioner/applicant would further submit that in view of the fact that the respondents/non-applicants have had previously avoided the holding of the elections for one reason or the other and even now in order to delay the holding of the said elections using undue influence upon the Returning Officer, appointed by the Deputy Commissioner, Srinagar for holding of the said elections and

since both the said officers, i.e, Deputy Commissioner, Srinagar and the Returning Officer are under the immediate control of the Government of J&K/respondents-non-applicants herein, there is every likelihood that the Returning Officer in particular may succumb to the said influence and avoid the holding of the election in question on any flimsy grounds.

3. Learned counsel for the petitioner/applicant thus would also submit that in order to insulate the said elections from any undue influence and for smooth conduct of the same thereof inasmuch as, to prevent any malpractice therein the said elections, appointment of an independent observer for overseeing the election process has become indispensable and imperative and, as such, counsel for the petitioner/applicant would insist for appointment of an independent observer preferably a man of high integrity, either retired Judge or a Senior Advocate to be an independent observer to oversee the election in question.

***Heard counsel for the petitioner/applicant and perused the record.*** A case for indulgence in made out at this stage.

Issue notice. Notice accepted by Mr. Faheem Nisar Shah, Government Advocate, on behalf of respondents 1-3.

Mr. Shah, appearing counsel for the respondents 1-3 in principle is not against the holding of free and fair elections scheduled on 1<sup>st</sup> September, 2025, yet Mr. Shah would submit that the apprehensions of the petitioner/applicant are imaginary.

4. Be that as it may, having regard to the background of the case, emerging from the record, inasmuch as, aforesaid judgments and orders passed in the matter earlier by this Court, coupled with the contents of the instant application and with the consensus of counsel for the parties, Mr. Mohsin. S. Qadri, Sr. Advocate, is appointed as an independent observer for overseeing the elections in question, scheduled to be held on 1<sup>st</sup> September, 2025. Accordingly, respondents/non-applicants herein as also the Returning Officer is directed to extend full co-operation to the

said observer in this regard. The nominated observer shall submit a report upon conclusion of the elections to this Court within ten days time after holding of the said elections. An amount of Rs. 2.00 lacs is fixed as fee to be payable to the observer by the petitioner/applicant herein, out of which amount 50% shall be paid prior to the elections and 50% after the election in question to the observer.

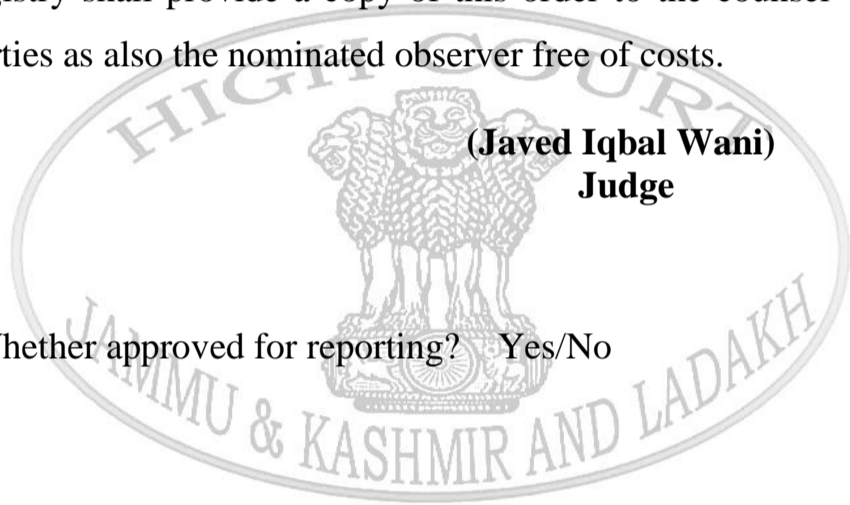
5. List on 5<sup>th</sup> September, 2025.

6. Alteration, modification, vacation on motion.

7. Registry shall provide a copy of this order to the counsel for the parties as also the nominated observer free of costs.

8.

SRINAGAR  
22.08.2025  
"Abdul Rashid"



Whether approved for reporting? Yes/No