

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1214/2024 CM(3350/2024).

Abdul Majid Bhat.

...Applicant(s)/Petitioner(s)

Through: Mr. M. Y. Bhat, Senior Advocate with
Mr. Hamza Prince, Advocate.

VERSUS

Union Territory of J & K & Ors.

...Respondent(s)

Through: Mr. Haaris Khan, Assisting Counsel vice
Mr. Mohsin S Qadri, Senior AAG.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
14.08.2026

1. The institution of the present writ petition came to take place on **14.05.2024**, wherein the petitioner came to implead three respondents who are:

1. Union Territory of J & K through Commissioner Secretary to Government, General Administration Department (Vig), Civil Secretariat, Srinagar.
2. Director, Anti Corruption Bureau (ACB), Srinagar.
3. Superintendent of Police, ACB, Srinagar.

2. In the present writ petition, the petitioner has asked for the following reliefs:

- i. *That a writ of certiorari may be issued quashing the entire proceedings pending before the P/S ACB (CK) Srinagar registered*

in terms of Verification No. 69 of 2015 against the petitioner along with all the related and incidental initiated in the matter.

- ii. That the writ of mandamus or prohibition be issued restraining the respondents from initiating criminal proceedings at a belated stage in the matter against the petitioner.*
- iii. Any other writ, order or direction which this Hon'ble Court may deem fit in the circumstances of the case may also be passed in favour of the petitioner and against the respondents in the interest of justice and equity."*

3. On the very first date of admission hearing of this case on **07.06.2024**, notice was accepted on behalf of all the respondents with the appearance of Mr. Mohsin S. Qadri, learned Senior AAG, and the respondents were called upon to file their reply/affidavit and also keep the relevant record available for the perusal of the Court.
4. Said Court direction calling upon the respondents to file a reply and also to keep the relevant record available came to be repeated 'n' number of times, and every time/opportunity going waste from the end of the respondents who least bothered to come forward with response and consumed time at their own leisure, as if the matter of filing and the timing of filing a response to a writ petition in a Constitutional Court is subject to the sweet pleasure and discretion of the respondents.

5. Said continuing default constrained this Court, in terms of order dated **05.12.2025**, to extend a last and final opportunity to the respondents to come forward with their response/reply and also to keep the relevant record available.
6. Even this peremptory direction contained in the order dated **05.12.2025** remained unresponded till **27.04.2026**, when, out of the three respondents, it is the respondent No. **3- Senior Superintendent of Police, Anti-Corruption Bureau (ACB), Srinagar, Kashmir**, who came forward with reply to the writ petition, whereas the respondents No. 1 and 2 felt least botheration to come forward with their reply to the writ petition.
7. Though the reply submitted on behalf of the Senior Superintendent of Police, Anti-Corruption Bureau, Srinagar, Kashmir, is purported to be a reply on behalf of all the respondents, this Court is not willing to accommodate such a status, as the Senior Superintendent of Police, Anti-Corruption Bureau, cannot be said to have the authority to hold the brief on behalf of the Union Territory of Jammu and Kashmir through the Commissioner/Secretary to Government, General Administration Department (GAD).
8. As such, this Court extends a last opportunity to respondents No. 1 and 2, subject to costs of **Rs. 20,000/- (Rs. 10,000/- each)**, to be payable from their personal salaries, to come forward with the reply from their respective end to the writ petition, otherwise, on the next date of hearing, if the default so continues, the right of

respondents No. 1 and 2 to file reply shall stand closed, and the averments made in the writ petition shall be taken to be accepted as being uncontested from the end of respondents No. 1 and 2 leaving this Court free to adjudicate the matter on merits at the risk and cost of respondents No. 1 and 2.

9. In the meantime, it is informed to this Court that the requisite record is available with Mr. Haaris Khan, learned Assisting Counsel to Mr. Mohsin S. Qadri, learned Senior AAG.
10. This Court is not retaining the record for the reason that, in connection with the filing of a reply/response to the writ petition as solicited from the end of respondents No. 1 and 2, the requisite record may be required by Mr. Mohsin S. Qadri, learned Senior AAG.
11. Therefore, this Court directs that the record shall remain retained at the end of Mr. Mohsin S. Qadri, learned Senior AAG, for being produced again on the next date of hearing.
12. List on **8th September, 2026.**
13. A copy of this order be provided to Mr. Haaris Khan, learned Assisting Counsel to Mr. Mohsin S Qadri, learned Senior AAG for the sake of notice and compliance at the end of the respondents No. 1 and 2.

(RAHUL BHARTI)
JUDGE

SRINAGAR
14.08.2026
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