



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) PIL No. 17 of 2020

Prof. S.K. Bhalla

.....Petitioner

Through: Mr. S. S. Ahmed, Advocate
Mr. Rahul Raina, Advocate
Ms. Supriya Chauhan, Advocate
Mr. Mohd. Zulkar Nain, Advocate

Vs

State of J&K & ors.

..... Respondents

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

Coram:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
12.12.2024

1. Vide Order dated 07.11.2024, this Court expressed its displeasure over the manner and pace with which respondents have been proceeding in the present case regarding eviction of unauthorized occupants of public property.
2. Respondents were directed to file a detailed status report indicating the steps taken for eviction of the unauthorized occupants as per the list furnished to the designated committee, the number of unauthorized occupants who have been issued eviction notices and evicted and the reason as to why the commercial rental charges have not been ordered to be paid by the said unauthorized occupants for the period they were not entitled to hold the official accommodations. Pertinently, Commissioner/Secretary to Government of J&K, Incharge Estates Department was directed to appear in person to explain the whole matter.
3. As per the status report, the designated committee constituted under Government Order of 2016 has recommended continuation of allotment in respect



of Sh. Ghulam Nabi Azad, Former Chief Minister and Sh. Ravinder Raina, Former State President of BJP and vacation of accommodation of rest of unauthorized occupants after the completion of election process. After the election, seven persons have been elected as MLAs and their fresh allotment is stated to be under consideration of the competent authority and matter with respect to four others is also under examination. As per the status report, 15 occupants have vacated the Government Quarters/Bunglows and eviction process of 05 others stands completed and notice for payment of penal rent stands issued against them. With respect to the payment of commercial rental charges, it has been submitted that as per Government Order No. 99-Est. of 2018 dated 15.10.2018, penal rent is charged after issuance of final eviction order and provision of market rate becomes applicable in case accommodation is not vacated even after three months.

4. Respondents are directed to file updated status report with respect to the occupants mentioned in para-5 as also the eviction process and payment of penal rent of 05 persons mentioned in sub-para 06 of the status report, failing which Commissioner/Secretary to Government of J&K, Incharge Estates Department shall remain present in person in the Court on the next date of hearing.

5. It is made clear that no exemption or excuse shall be entertained by this Court.

6. Put up on 02.01.2025.

(RAJESH SEKHRI)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE

Jammu
12.12.2024
Paramjeet