

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

OWP No. 1024/2016
c/w
OWP No. 1003/2013
CPOWP No. 46/2014

Tej Krishan Koul & Ors.

.....Petitioner(s)

Through: Mr. P. N. Raina, Sr. Advocate with
Mr. J. A. Hamal, Advocate.

Vs

Financial Commissioner, Jammu & Ors.

.....Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Nazia Fazal, Advocate for R-1 & 2.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(30.10.2025)

01. Writ petition OWP No. 1003/2013 was filed on 15.07.2013 in which the Deputy Commissioner (Collector), Shopian, Kashmir is the respondent No. 1 whereas the Financial Commissioner, J&K, Jammu is the respondent No. 2.

02. Reply on behalf of the respondents No. 1 & 2 never came forth in this writ petition, although on behalf of the respondents No. 1 & 2, Mr. H. A. Siddiqui, the then Additional Advocate General had caused appearance and was called upon to file reply on behalf of the appearing respondents No. 1 & 2.

03. In the meantime, while writ petition OWP No. 1003/2013 was pending adjudication, the petitioners of OWP No. 1003/2013 came

forward with a writ petition OWP No. 1024/2016 on 14.07.2016 in which the respondents No. 1 & 2 happened to be the Financial Commissioner, J&K and the Deputy Commissioner (District Magistrate), Shopian. In this case also, the reply from the end of the said two respondents did not come forth.

04. This Court, in terms of an order dated 09.02.2023, passed in CPOWP No. 46/2014, had called upon the Deputy Commissioner (Collector), Shopian, Kashmir, to produce the record file of case titled “Bhushan Lal Koul & Ors. Vs. District Magistrate (Deputy Commissioner), Shopian & Ors” in which an enquiry had come to be held by the Deputy Commissioner (Collector), Shopian, pursuant to the directions of this Court in OWP Nos. 883/2010 & 888/2010.

05. It has taken more than two and a half years for the Deputy Commissioner, Shopian to address a communication dated 30.10.2024 to Mrs. Monika Kohli, learned Sr. AAG to apprise that all the records of the office of Deputy Commissioner, Shopian got gutted in a fire incident of 04.09.2016 and, therefore, no record of case file titled “Bhushan Lal Koul & Ors. Vs. District Magistrate (Deputy Commissioner), Shopian & Ors” is available.

06. The communication does not spell out as to whether any FIR relatable to fire incident had been registered or not though it is expected from the end of the Deputy Commissioner, Shopian to have self stated the fact in his above said communication about this alleged incident of fire of 04.09.2016 being duly reported to the Police

Station concerned for the purpose of investigation as to whether the fire was accidental or deliberate one.

07. This Court calls upon Mrs. Monika Kohli, learned Sr. AAG to get the confirmation of this fact on affidavit from the Deputy Commissioner, Shopian and to be placed on record positively on the next date of hearing.

08. List on **13.11.2025**, failing which this Court will be directing personal appearance of the Deputy Commissioner, Shopian.

09. Interim direction to continue till next date of hearing.

JAMMU
30.10.2025
Shivalee

