

ITEM NO.18

COURT NO.2

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10611/2024

[Arising out of impugned final judgment and order dated 17-11-2023 in CPSW No. 481/2015 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu]

G. PRASANNA RAMASWAMY & ANR.

Petitioner(s)

VERSUS

MOHD FAROOQ & ANR.

Respondent(s)

(IA No. 72616/2024 - CONDONATION OF DELAY IN FILING AND IA No. 72618/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. K.M. Nataraj Sr. Adv., A.S.G.
Mr. Pashupathi Nath Razdan, AOR
Ms. Indira Bhakar, Adv.
Mr. Astik Gupta, Adv.

For Respondent(s) :

Mr. Karman Singh Johal, Adv.
Ms. Roopamdeep Aulakh Johal, Adv.
Mr. Mahesh Thakur, AOR
Mr. Ranvijay Singh Chandel, Adv.
Mrs. Geetanjali Bedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioners have approached this Court being aggrieved by the order dated 17.11.2023. The learned Single Judge of the High Court has observed that from the perusal of the series of

compliance reports filed by the respondents ((petitioners herein), it is clear that by one reason or the other, the respondents are avoiding the implementation of the judgment which has become final.

2. Accordingly, the High Court rejected the respondent's compliance reports and directed them to implement the judgment forthwith and file a fresh compliance report, failing which further action would be taken.

3. Before us also, right from 04.11.2024, on various occasions, time was sought for complying with the orders passed by the learned Single Judge of the High Court and the latest order, whereby 8 weeks' time was granted as last chance was passed by this Court on 03.03.2025, failing which the personal presence petitioners was directed.

4. Today, when the matter is called out, Shri K.M. Nataraj, learned Additional Solicitor General, fairly, states that there is no compliance has yet been effected.

5. Today, Shri Neeraj Kumar, the Commissioner/Secretary, Transport Department, J & K Government and Shri Malik Tahir Gani, Director, State Motor Garages Department, Jammu & Kashmir Government, are present in the Court. They state that since the State was reorganized into two Union Territories, the procedural formalities would not be completed.

6. The State of Jammu & Kashmir was bifurcated into Union Territories of Jammu and Kashmir and Ladakh in 2019.

7. A period of six years cannot be regarded as a short period for completing the necessary procedural formalities and complying with the orders passed by this Court.

8. We grant time till 19.05.2025 for compliance with the High Court's order dated 29.07.2015.

9. It is clarified that that if compliance is effected by the aforesaid date, a copy of the compliance report shall be served on the original writ petitioner(s) and the petitioners will be exempted from further personal appearance before this Court.

10. However, if compliance is not carried out, then alongwith the existing petitioners, the Chief Secretary of the Union Territory of Jammu & Kashmir shall personally remain present before this Court to explain the reasons for non-compliance and all the three officers shall answer as to why an action for committing contempt for defying both the High Court as well as this court's orders, should not be taken against them.

11. List on 19.05.2025 at serial No. 1.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)