

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

APOWP Nos. 12/2018, 13/2018, 14/2018.

Date of order: 28.02.2018

Ashok Kumar .	Vs.	State of J&K and ors.
Ajay Kumar Sadhotra	Vs.	State of J&K and ors.
Yogesh Sawhney	Vs.	State of J&K and ors.

Coram:

Hon'ble Mr. Justice Alok Aradhe, Judge

Appearing counsel:

For Petitioner/Appellant(s) : Mr. B.S Salathia, Sr. Advocate with
Ms. Meenakshi Salathia, Advocate.
Mr. Ajay Sharma, Advocate.

For respondent (s) : Mr. M.K Bhardwaj, Sr. Advocate with
Mr. Gagan Kohli, Advocate.
Mr. Ahtsham Bhat, G.A

i/	Whether to be reported in Press/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

These applications have been filed on behalf of the petitioners for seeking a stay of Judgment dated 22.02.2018 passed in OWP No. 1546/2015, 535/2016 and 547/2016.

When the matter was taken up today, learned senior counsel for the petitioners submitted that the petitioners want to challenge the judgment dated 22.02.2018 passed by this Court, before the Division Bench and the respondents without waiting for the statutory period of limitation for filing the LPA are trying to dispossess the petitioners from the accommodation, which is in their occupation. It is further submitted that the petitioners have applied for certified copy of the order dated 22.02.2018 on 26.02.2018, however, till today, the same has not been delivered to them. It is also submitted that in case the petitioners are evicted from the accommodation in their occupation, they will be thrown on the streets. On the other hand, Mr. Ahtsham Bhat, learned G.A submits that after dismissal of the writ petitions, such applications are not maintainable. It is further

submitted that a bunch writ petitions headed by OWP No. 1566/2015, a Co-ordinate Bench of this Court has given the directions to the respondents to evict the petitioners in the aforesaid writ petitions forthwith and, therefore, the respondents have to submit the compliance report, however, it is fairly submitted by the learned G.A that no such direction has been issued in case of the petitioners herein.

I have considered the submissions made by the learned counsel for the parties and have perused the record.

Admittedly, the copy of the judgment dated 22.02.2018 was uploaded on the website of the High Court on 26.02.2018. The petitioners could have downloaded the order and could have filed the LPA along with an application seeking exemption of the certified copy of the order. In fact, against the judgment dated 22.02.2018 passed in OWP No. 1566/2015 by a co-ordinate Bench of this Court, LPA has already been filed by the petitioners. Therefore, in the fact situation of the case, no case for interference is made out. The applications are disposed of with the directions to the respondents to take action for eviction of the petitioners in accordance with law. Accordingly, the applications are disposed of.

(Alok Aradhe)
Judge

Jammu
28.02.2018
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