

S. No. 66
Regular Cause List

THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) no. 787/2020
CM no. 1713/2020

Gulab Lone and another

...Appellant(s)/Petitioner(s)

Through: Mr. M. A. Wani, Advocate

Vs.

Union of India and others

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with Ms. Maha Majeed, Adv.
Mr. T. M. Shamsi, DSGI

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
31.05.2023

The petitioners' case is that the land owned by him had been requisitioned and is in possession of the Army since 1949. Mr. M. A. Wani, learned counsel for the petitioners submits that petitioners were being paid rent by the respondents for the occupation and when they filed this writ petition seeking enhancement of the rent the respondents stopped the payment of rent to them.

Mr. Shamsi, appearing counsel for the respondents submits that respondents are not in possession of the land, however, in the objections respondents claim to be in possession.

Learned counsel for the petitioners submits that at present petitioners are aggrieved of the action of the respondents in stopping the payment of rent as also for not considering their case for enhancement of rent. Regarding stoppage of payment of rent, no order has been placed on record. Learned counsel for the petitioners submits that respondents are required to pay them rent for occupation of their land and also required to enhance it periodically as per rules.

Having regard to the dispute the respondents have taken the ground in their objections that they are not liable to pay the rent to the petitioners,

however, before stopping such payment of rent which was being previously paid to them, respondents were required to have given them a notice, heard the petitioners and then passed order for stopping the payment of rent which has not been done in this case. Learned counsel appearing for the respondents submits that they would give opportunity of being heard to the petitioners, in case, petitioners make a representation regarding the payment of rent as well as for enhancement and after hearing them respondents would pass fresh orders.

Having regard to the submissions made by learned counsel for the parties, no fruitful purpose will be achieved by keeping this petition pending, as such, the same is disposed of with a provision that the petitioners shall make a representation before the respondents for payment of rent as well as for enhancement in respect of the land which they claim belong to them and in possession of the respondents. Respondents shall consider petitioners' representation and hear them in case they produce any document and pass appropriate orders in accordance with the provisions of law within a period of four weeks from the date such a representation is made to respondents.

In the event, petitioners feel aggrieved of outcome of representation they are at liberty to seek appropriate remedy as may be available to them under law.

Disposed of as above along with connected CM(s).

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
31.05.2023
"Imtiyaz"