

To

The Hon'ble Chief Justice,
Supreme Court of India
New Delhi

IN THE MATTER OF:

Sanjay Tickoo and others

Vs.

State of Jammu and Kashmir and others

In the matter of: *Civil Misc. Petition in the writ petition above titled for kind final disposal / adjudication in the above titled writ petition which came to be lodged by this Hon'ble Court by virtue of an order dated 12.04.2007 under Dy.No.: 1738/SC/PIL/2007 while dealing with the petition on an administrative side.*

MAY IT PLEASE YOUR LORDSHIPS.

Petitioners most humbly submitted as under:-

1. That the petitioners are the non-migrant Kashmiri Pandits alongwith one Advocate of High Court of Jammu and Kashmir who had jointly taken a venture in the year 2007 of invoking the jurisdiction of this Hon'ble Court by filing a Public Interest Litigation for preservation, protection, renovation of historical and cultural heritage temple properties in the State of Jammu and Kashmir. This petition was filed in period when the atmosphere in the Valley of Kashmir was not

conducive and the endeavor at that point of time was highly risky in the volatile conditions prevailing in the Valley. The purpose of filing of this petition was to ensure that Kashmiri Pandit Minority stationed inside the Valley are able to perform their religious duties as is guaranteed in the Constitution of Jammu and Kashmir read with Constitution of India. It would not be out of breast to make mention of one important fact at that point of time less than 6,000 Kashmiri Pandits were only stationed inside the Valley and within the prevailing circumstances they were also slowly and slowly conducting exodus from the Valley. Only after filing of this petition firstly before this Hon'ble Court and subsequently by delivery of judgments by the Hon'ble High Court of Jammu and Kashmir, the return of Kashmiri Pandits became a viable dream and by this legal process the Non-Migrant Kashmiri Pandits stationed inside the Valley chose to stay back to fight for their rights. In fact after the delivery of the Judgment by the Hon'ble High Court the Pandit population inside the Valley has increased and confidence level in the Non-Migrant Kashmiri Pandits has also increased to stay back in the Valley. Copy of the administrative order issued in favour of the petitioners, Copy of the petition bearing OWP No. 610/2007 titled Sanjay K. Tickoo and others Vs. State of Jammu and Kashmir and others filed by

the petitioners and the final verdict delivered by the Hon'ble Single Bench is enclosed herewith this Misc. Petition as A1, A2 and A3.

2. That after the delivery of the Judgment by the Hon'ble Single Bench of the Hon'ble High Court of Jammu and Kashmir, the petitioners left no stone unturned to ensure the supply of the Judgment to every Government Departments including Judicial Officers. For the purpose of ensuring its compliance not only at an administrative level but also from Judicial level.
3. That finding no respite in a non-action of the Government, the petitioners had represented before the Hon'ble Prime Minister, Union of India, New Delhi and while dealing with the said representation a communication came to be addressed towards the Advocate Salim Gupkari, one of the petitioners in which the necessary information was supplied as to the directions having been issued to Chief Secretary for immediate compliance of the judgment thereof. Copy of the communication is enclosed herewith as Annexure- A4.
4. That although there being a direction from Central Government addressed to the State Government for immediate compliance of the judgment thereof the ground reality did not change. In fact many

commercial constructions and leasing / alienation of endowment properties is consistently being carried out in league with some “Higher Ups” which eventually will lead to the extinction of Kashmiri Pandit identity from Kashmir Valley.

5. That constrained of the circumstances prevailing the petitioners were compelled to file a Contempt Petition, which was taken up by the Hon’ble Single Bench of the Hon’ble High Court of Jammu and Kashmir and while dealing with the said petition, the Hon’ble Single Bench has shrunken the controversy in addressing it to the Divisional Commissioner, Kashmir by a disposal order. Copy of the Contempt Petition bearing no. 572/2014 titled Sanjay K. Tickoo and others Vs. Mr. Anil Goswami and others, Copy of the Additional proceedings filed in the Contempt Petition and copy of judgment is enclosed herewith as Annexure – A5, A6 and A7.
6. That the petitioners filed a petition before Hon’ble Court of Divisional Commissioner, Kashmir, but till date nothing has been done in this regard. Copy of the same is enclosed herewith as Annexure – A8. On the contrary, the office of Divisional Commissioner alongwith its subordinate offices are facilitating sale / purchase of temple endowment properties in favour of mafia persons.

Even the office of Municipal Corporation provides permissions to these un-scrupulous elements raise constructions on the temple endowment properties. These offices don't show any respect to the orders of the Hon'ble High Court on ground zero on the contrary keep them in on papers only.

7. That on the issue another an OWP was filed by Ghulam Nabi Khan and Another against the State of Jammu and Kashmir and others in which Respondent no. 13 is one of the Petitioners of OWP No. 610/2007. The case stands registered as OWP No. 785/2008. While dealing with the matter Hon'ble Single Bench was pleased to pass a order landmark order dated 27.11.2010 which was later on upheld by the Hon'ble Division, wherein Hon'ble High Court clearly directed that no transfer in the shape of sale deed, patta nama lease or any other mode of transfer be effected in respect of the properties belonging to the Mandir. Even the Hon'ble High Court was pleased to direct that no construction be permitted on the properties which have been transferred to the private parties through various deeds. The Hon'ble also directed the Registry to send copy of this order to the Divisional Commissioner, Kashmir and also to all Courts in Kashmir Valley, who are dealing with the registration of the documents. The

Copy of orders / judgments are enclosed herewith as Annexure A9, A10 and A11.

8. That despite the clear directions from the Hon'ble High Court, Subordinate Judicial System in the State of Jammu and Kashmir is not taking the issue on the serious note. The Sub-Registrar's and Registrars are allowing all the means that will create third party interests in the temple endowment properties and show total disrespect towards the orders passed by the Hon'ble Judge's of the Hon'ble High Court of Jammu and Kashmir. This issue was also raised by the applicants / petitioners in the Contempt Petition bearing no. 572/2014 and which is enclosed herewith as Annexure - A5.
9. That the petitioners have sideways filed a petition alongwith the Judgment passed by the Hon'ble Single Bench of which nothing has been done by the concerned office till date. Further, the verbal explanation of non-execution of the order was "What can done in the case ususally" as the petitioners are small minority with no face at all. And upon such state of affairs the petitioners are left with no other option to again approach this Hon'ble Court for eventual disposal of the above stated petition.

10. That the Civil Misc. Petition is duly supported by an affidavit sworn of its contents.

As such, it is prayed that the Hon'ble Court be pleased to call the record of the petition and dispose the same by appointment of a Commission of Central Government to assess the reality and ground situation and deal with the petition in accordance with finding of the Commission and on the basis of law and justice.

Further the petitioners have this last hope and seek mercy on your lordships for protection of Constitutional, Civil and Religious Rights of minuscule Kashmiri Pandit population in Kashmir Valley.

Submitted

Applicants through Counsel

19.03.2016

(Salim Gupkari)
Advocate

Copy forwarded to the:

1. His Excellency the Governor, State of Jammu and Kashmir, Raj Bhawan, Jammu / Srinagar
2. Hon'ble the Chief Justice, High Court of Jammu and Kashmir, Jammu / Srinagar.