

# HC rejects Charitable Trust’s plea for fresh petition in Amarnath Langer dispute

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JAMMU: Justice Mohd Yousaf Wani of Jammu & Kashmir and Ladakh High Court, while rejecting an application seeking withdrawal of a writ petition with liberty to file afresh, held that the jurisdiction exercised under Article 226 of the Constitution is not shackled by procedural technicalities but nor is it an unregulated space for speculative or unjustified litigation maneuvers.

"A writ petition filed under Article 226 of the Constitution cannot be allowed to be withdrawn on the basis of any unjustified ground on the pretext that the jurisdiction of the writ Courts is not circumscribed or limited by procedural technicalities, after all there has to be a sound and justified ground for seeking the withdrawal of a writ petition with liberty to file a fresh one on the same subject matter," observed Justice Mohammad Yousuf Wani while dismissing the withdrawal plea filed by Bhole Bhandari Charitable Trust.

The petition was filed by the Trust, seeking judicial direction to the Shri Amarnathji Shrine Board (SASB) to issue an Expression of Interest (EOI) and subsequently a Letter of Intent (LOI) for establishing a bhandara (free langer services) at Panjtharni for the annual Amarnath Yatra, 2025.

The petitioner claimed to have served yatris selflessly for over 28 years and asserted that denial of permission by SASB, despite repeated representations, was arbitrary, non-speaking, and violative of Article 14 of the Constitution.

However, when the matter was partly heard, the petitioner filed an application seeking to withdraw the petition with liberty to file a fresh one. It contended that due to objections raised by SASB's counsel specifically on alleged security concerns there was a necessity to implead the Union of India

and UT Governments of Jammu & Kashmir and Ladakh as parties, and to amend pleadings comprehensively.

The withdrawal application was strenuously opposed by SASB, represented by Senior Advocate Mr. Mohsin Qadri along with Mr. Anuj Dewan Raina asserted that the withdrawal was neither unconditional nor grounded in law as required under Order XXIII Rule 1 of CPC, and that there was no formal defect in the original writ petition warranting re-litigation. The respondents further argued that the security concern cited by the petitioner as a new fact was never raised formally by the Board in its pleadings. On the contrary, SASB clarified that the decision to withhold permission for SANJAY 2025 was based on previous violations by the Trust specifically, unauthorized dumping of construction material and operation beyond the closure date during SANJAY 2024.

High Court after examining

the petition, withdrawal application, objections, and the rival arguments in full detail, held that the petitioner's grounds for withdrawal with liberty were unjustified and lacking in legal necessity. The Court noted that the principal claim that impleadment of government bodies was essential due to supposed security objections was without basis. The court further stated that the respondents had neither made security the sole or primary ground in their reply, nor had they argued it during hearings in a manner warranting impleadment of new parties.

The Court noted that there was no formal defect in the writ petition as per Order XXIII Rule 1(3) CPC, nor any newly emergent fact that could not be addressed through permissible procedural amendments. Instead, the court held that the request for withdrawal appeared more aimed at taking a second bite at the cherry.

Importantly, the Court made clear that SASB's authority over such matters is exclusive and discretionary. It emphasized that the petitioner Trust had implicitly accepted this, thereby negating the need for further impleadment of government entities. The Court held that issuing invitations for organizing langers during the yatra was a matter of policy and administrative discretion, and not something for judicial micromanagement.

".. It is impliedly accepted by the petitioner trust that issuance of offer/invitation to intending langer organizers for organizing langer during the Annual Shri Amarnathji Yatra is the discretion of the respondents-board. The case in hand is distinguishable from a tender process, in which no qualified and eligible bidder can be stopped from participating in the tender process", Justice Wani pointed.

The court also took excep-

tion to the Trust's implied suggestion that the Court must allow withdrawal merely because writ jurisdiction is flexible. "Withdrawal with liberty cannot be granted in the facts and circumstances, where same does not seem to be imperative for elucidation of the real matter in controversy and instead appears to be aimed at giving an extrajudicial colour to the subject matter," the bench underscored.

Stressing that litigation cannot be permitted to evolve into a strategic exercise of trial and error where parties seek repeated opportunities for procedural correction the Court held that even if an application were filed under Order I Rule 10 CPC for impleadment or under Order VI Rule 17 for amendment, it would have failed for the same reasons that no additional parties were necessary and no new facts justified a reframe. In view of these observations the court dismissed the application.

# Five-Day Civil Defence Training Camp held in Samba



Officers educating participants.

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SAMBA: A five-day training camp for Civil Defence volunteers was organized at Pacei Mandi Hall, Samba, under the leadership of Deputy Controller of Civil Defence Samba. The camp was attended by 45 volunteers and aimed at raising public awareness during wartime.

The event was conducted in the presence of Deputy Chief Warden Sanjay Gupta, Divisional Warden Rajnish Pargal, Deputy Post Warden Darshan Gupta, and ASI Gurbaksh Singh, who delivered a lecture on the vital role of Civil Defence volunteers.

The lecture covered the crucial roles of Civil Defence volunteers in emergencies, such as disaster prevention, rescue operations, relief distribution, traffic management, and community support. It also highlighted their training in various skills and participation in awareness programs to educate the public about disaster preparedness and safety measures.

Overall, the camp provided valuable insights and practical skills to the volunteers, reinforcing their commitment to serving the community during emergencies.

# Chastity is above any promise Court grants bail to accused in false promise to marry case, cites prolonged consensual relationship

## ■ STATE TIMES NEWS

JAMMU: The Fast Track Court in Jammu, presided over by Amarjeet Singh Langeh, has granted bail to Neeraj Kumar, an accused in a case involving allegations of sexual assault under the pretext of a false promise to marry. The case was registered under Sections 69, 76, and 351 of the Bharatiya Nyaya Sanhita (BNS).

According to the prosecution, the complainant alleged that Neeraj Kumar first proposed marriage during a visit to her home on February 23, 2022. She further claimed that in May 2022, the accused stayed overnight at her residence and engaged in sexual relations under the false

pretext of marriage. Their relationship allegedly continued until May 18, 2025, when the complainant lodged an FIR at Police Station Miran Sahib, Jammu. She also accused Kumar of raping her in a hotel at Gujjar Nagar in 2022 and taking her to Katra during the period of their association. While allowing bail application of accused Court held, "Investigation conducted till date showcases consensual relationship between petitioner and prosecutrix since February 2022. It is baffling to fathom as to why prosecutrix kept under wrap the alleged fact of forcible sexual intercourse by petitioner in a hotel at Gujjar Nagar, Jammu in the month of

February 2022 for all these years," adding "it is in-conceivable that a complainant would continue to meet likes of petitioner or maintain a prolonged association or physical relation with him when she has every reason to sense and notice indifferent attitude of petitioner to fulfill alleged promise of marriage." "And above all, for prosecutrix to harbour an overwhelming belief that the only assurance of fructification of her alleged relationship with petitioner was at the altar of her chastity-is ludicrous to say the least"- Court further noted. With these observations court allowed application and granted bail to accused with certain conditions.

# Open air markets of Bhadarwah became alive with Eid shoppers

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BHADERWAH: After a dull start and lack luster response of the customers for pre-Eid shopping which send shopkeepers and hundreds of vendors into a tizzy, Bhaderwah's famous open air market became alive Friday just a day before Eid-ul-Adha (Known as Arfa) festival much to the relief of the worried business community. Tight security arrangements were made to facilitate the shoppers. Special teams roaming in the market to ensure selling of products in hygienic condition and as per rates.

As the auspicious Eid-ul-Adha festival is closing in, all the markets and shopping centres of Chenab Valley especially that of famous open market of Bhaderwah town have come alive with hordes of shoppers rushing for shopping a day before Eid.

Shoppers from different areas of Bhaderwah, Bhalla,Thathri, Chiralal and Gandoh thronged Fashion houses, boutique shops ,market places and kiosks across the city markets in huge numbers



and shopped till evening.

Shoppers were busy in purchasing readymade clothing, crockery, electronics, eatables, Meat, Chicken, Live sheeps and other goods.

In Bhaderwah Valley's tertiary commercial hub, which has been extended from Seri Bazaar to Pasri area, markets from Sadar Bazar to Pasri Bus Stand remained jam-packed with shoppers moving one extreme of the market to another. Elsewhere in Jamia Masjid Market, Khalro Market and Sadar Bazaar, mar-

kets were abuzz.

Not only Muslims but a large number of non-muslims wait eagerly for Pre-Eid Shopping as one can get clothes, Crockery, Readymade and electronics at cheaper prices than the routine days.

Beside the excited shoppers, Shopkeepers and vendors are smiling from ear to ear as after a large slump, their sale has increased many folds.

Apart from local businessmen ,dozens of vendors from neighbouring states including Punjab,

Himachal Pradesh and Haryana are doing brisk business.

In view of the huge rush of people to markets, administration issued a special plan to decongest the main hub and to help in smooth regulation of traffic and shopping simultaneously.

Meanwhile a special team comprising ADC Bhaderwah Sunil Kumar, SP Bhaderwah Vinod Sharma, SDPO Bhaderwah Shoket Ali, Tehsildar Bhaderwah Kamalpreet Singh, EO MCB Ravi Saini and Naib Tehsildar Parampreet Singh visited different markets of Bhaderwah to ensure that the public is getting products in hygienic conditions with rates as per fixed by administration.

Vinod Sharma, SP Bhadarwah said that we have deployed seluthes of Police, CRPF, JKAP and large number of cops in civil dress, beside extra deployment of traffic cops in and around Bhaderwah town to provide maximum security to the tourists, shoppers and Shopkeepers simultaneously and have also diverted traffic to less congested areas.

# CTTIK extends gratitude to PM for inaugurating Vande Bharat Train on Katra-Srinagar Railway Line

## ■ STATE TIMES NEWS

KATRA: The Chamber of Tourism, Trade and Industry Katra (CTTIK) expressed its deep gratitude to the Prime Minister of India, Narendra Modi, for inaugurating and flagging off the historic and long awaited Vande Bharat Express on the Katra-Srinagar railway line today.

This landmark achievement marks a new era in connectivity, economic potential, and spiritual resurgence for the Union Territory of Jammu & Kashmir.

The Prime Minister also inaugurated two engineering wonders of the modern age - the world's highest railway arch bridge over the Chenab River and India's first cable-stayed railway bridge, the Anji Bridge, both located in the

Reasi district along the Katra Srinagar route. CTTIK underscored that these iconic structures are not only engineering marvels but will soon emerge as major tourist attractions, drawing both domestic and international admiration.

In an official statement, Raj Kumar Padha, President of CTTIK, said that the train service to Srinagar will significantly boost spiritual and pilgrimage tourism, particularly to Shri Mata Vaishno Devi, while simultaneously opening up new horizons for the business community across J&K, especially in Katra town.

He emphasized that the enhanced rail connectivity will enable seamless transport for both passengers and goods, laying the foundation for increased trade,

tourism, and overall economic activity in the region. With better accessibility and reduced travel time, a substantial rise in pilgrim turnout is anticipated, which will bring renewed energy to the hospitality, retail, and services sectors of Katra.

The members of CTTIK also expressed immense pride in the contribution of Indian engineers and technicians, whose expertise and dedication have led to the creation of world-class infrastructure in one of the country's most challenging terrains.

This milestone, according to Padha, reflects a visionary approach towards inclusive development, and the business community is not only hopeful but fully prepared to embrace the new opportunities that this infrastructure will bring.

# HC stays executive takeover of Shri Nav Durga Jhaleri Mata Shrine, appoints interim administrator HC makes caustic remarks for not appointing AG for J&K

## ■ STATE TIMES NEWS

JAMMU: Justice Rahul Bharti of Jammu & Kashmir and Ladakh High Court while hearing matter concerning the governance of Hindu religious shrines in the Union Territory, the Jammu & Kashmir High Court has stayed the operation of a communication from the Divisional Commissioner which sought to bring the Shri Nav Durga Jhaleri Mata Shrine under the administration of the Shiv Khori Shrine Board until fresh legislation was enacted.

Justice Rahul Bharti while hearing petition observed that this writ petition comes up with important constitu-

tional questions of law with respect to the power of the Executive to take over in entirety a Hindu religious place without any legislative authority and instead by referring to the directions of the Division Bench of this Court.

Court further observed that in addition, an important question of law is also incidentally getting confronted in this writ petition before this Court is that for how long the UT of Jammu & Kashmir and Ladakh can go without an Advocate General in office in whose absence section 92 of the Code of Civil Procedure, 1908 is suffering suspended animation as if section 92 of the Code of Civil Procedure, 1908 has to await Government of UT of Jammu & Kashmir/Ladakh to appoint an Advocate General whereupon with respect to any institution bearing charitable or religious nature meant for public purpose can be afforded a better administration and management by Advocate General's indulgence in approaching a Principal Civil Court of Original Jurisdiction in any given District of UT of Jammu &

Kashmir/Ladakh wherein such an institution of charitable or a religious nature meant for public purposes is located. Therefore, there is a scope for this Court to come intervening by calling upon the Government of UT of J&K to apprise this Court about the state of affairs related to the appointment of an Advocate General for UT of J&K.

The petitioner identifies itself to be a trust constituted for service of Shri Nav Durga Jhaleri Mata Shrine which is located in village Pangal, tehsil Katra, district Reasi. The Deity is a natural born deity located in a Cave. The exact location of the khasra number housing the cave is still open to dispute as to whether it is in the khasra No. 330/1 or in khasra No. 655/314 of village Pangal.

Be that as it may, the petitioner identifying itself as a trust is feeling aggrieved of the intervention which has come from the office of the Divisional Commissioner, Jammu acting through its Dy. Legal Remembrancer who vide its communication No. 601/RA/CC-7016154 dated 28.04.2025 is meaning to coneur with a purported

meeting held on 06.02.2025 wherein it came to be decided that the affairs of Shri Nav Durga Jhaleri Mata Shrine to be looked after by Shiv Khori Shrine Board till legislation is not enacted to deal with religious place in reference in UT of Jammu & Kashmir.

The petitioner has come forward assailing this indulgence from the office of the Divisional Commissioner, Jammu saying that the interference by the Administration of UT of J&K in the religious affairs related to the religious place of the Hindu religion is without any constitutional basis and is amounting to hostile takeover rather than leaving the religious place to be administered and managed by the Hindu Community itself.

Advocate Aseem Kumar Sawhney, is representing Deepak Kumar who claims to be a devotee of Shri Nav Durga Jhaleri Mata and is on caveat in the name of Deity.

Court observed that the concern of Adv Aseem Kumar Sawhney, with respect to the religious place in question is that at the end

of the day it should be the common concern of one and all to see that the religious place is best administered and managed without becoming a matter of business and monopoly in the hands of the select few whosoever they may be.

During the course of hearing Adv Aseem Kumar Sawhney, has drawn the attention of this Court that in a Public Interest Litigation initiated by his client Deepak Kumar in the name of Deity Shri Nav Durga Jhaleri Mata in WP(C) PIL No. 11/2022, the Division Bench, vide an order dated 15.09.2022, was pleased to pass some directions with liberty to the petitioner to approach the Government and the Chief Secretary of UT of J&K for looking into the matter with respect to the administration and management of the religious place.

Adv Aseem Kumar Sawhney, appearing for the caveator has also drawn the attention of this Court to the judgment of the Division Bench of the High Court in PIL No. 24/2018 titled "Ajay Kumar Sharma Vs. State of J&K and another" wherein

by virtue of the judgment dated 25.02.2022, the Division Bench came to make some pertinent observations with respect to the mode and manner of the looking after the better administration and management of the religious places which otherwise are not falling under the domain of any management or under the domain of any legislative domain as mentioned in para-52 of the judgment.

Justice Rahul Bharti after hearing both the sides observed that there is a scope for intervention of the Court in the matter considering the fact that the Deity Shri Nav Durga Jhaleri Mata is a perpetual minor and, therefore, it becomes equally a binding concern of this Court as well to come into play and see to it that the affairs related to the Deity are not let to suffer mishandling/mischief and other acts of omission and commission be it at the hands of the persons who claim themselves to be the custodian/guardian of the religious place related to the Deity or for that matter the persons who oppose the custodian/guardians of the said religious place. It is where

the role of an Advocate General is envisaged under section 92 of the Code of Civil Procedure, 1908 but office of Advocate General is in vacancy in UT of Jammu & Kashmir and Ladakh since long leaving a live provision a dead letter of law.

High Court issue notice to the respondents, Sr. AAG Monika Kohli, accepts notice on behalf of the respondents and seeks time to file reply within a period of four weeks.

Deepak Kumar, son of Moti Ram, resident of Seela, District Reasi, J&K is also impleaded as respondent No. 5 in the writ petition and on his behalf Mr. Aseem Kumar Sawhney, counsel accepts notice and seeks time to file reply within a period of four weeks.

Court suo moto impleads Shri Mata Vaishno Devi Shrine Board as the respondent No. 6 in the writ petition for the sake of form as the proforma respondent. Mr. Adarsh Sharma, standing counsel for the Shri Mata Vaishno Devi Shrine Board accepts notice as well.

In the meantime, the operation of the impugned com-

munication No. 601/RA/CC-7016154 dated April 28, 2025 shall remain stayed. In the meantime, the Chief Executive Officer of the Mata Vaishno Devi Shrine Board, Katra is hereby appointed as ex-officio interim administrator/receiver of the Shri Nav Durga Jhaleri Mata religious place who shall be well within his right to look after day to day administration and management of the religious place for the sake of service of the devotees/pilgrims visiting the place for the purpose of paying homage or rendering the service be it religious or social.

Court further ordered that All the donations/contributions offered with respect to the Deity to be collected and received by the CEO of the Shri Mata Vaishno Devi Shrine Board to the exclusion of all others and proper account to be maintained without indulging in any spending there from unless and until prior permission sought from this Court.

This order is, however, subject to modification or alteration upon filing of the reply by the respondents to the writ petition.

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