

(2019) 09 J&K CK 0089

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 2796 Of 2019, CM No. 5517 Of 2019

Hasnain Masoodi And Another

APPELLANT

Vs

State Of Jammu & Kashmir And Others

RESPONDENT

Date of Decision : 11-09-2019

Acts Referred:

Citation : (2019) 09 J&K CK 0089

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : M.I.Qadiri, T.A.Lone, Shabir A. Khan, D. C. Raina, Javed Iqbal

Final Decision : Allowed

Judgement

Sanjeev Kumar, J

1. Two Members of the Parliament (Lok Sabha), belonging to political party - J&K National Conference, have filed this petition, seeking indulgence of this Court to direct the respondents to permit them to meet Dr Farooq Abdullah and Mr Omar Abdullah, President and Vice President of their party, respectively. It is alleged by petitioners that their party's two top functionaries have been under house arrest since 5th August 2019 and have not been permitted to meet any party worker or even the relatives. Petitioners claim that they, besides being members of the political party of J&K National Conference, are also close friends of above-named functionaries of the party and, therefore, are interested in their wellbeing. They also claim that petitioner no.1, being retired Judge of the High Court of J&K and a Senior Advocate after his retirement, is also capable of rendering legal advice, assistance and aid to the aforesaid persons, who are under house arrest since 5th August 2019, for undisclosed reasons.

2. On this petition coming up for consideration on 6th September 2019, this Court, without issuing formal notice, called upon Mr Javed Iqbal, Senior AAG, to first ascertain as to whether petitioners had actually been prevented by respondents from meeting their party President and Vice President, and if so, for

what reasons. In response, Mr D. C. Raina, learned Advocate General, with Mr Javed Iqbal, appeared today and stated at Bar that there is no formal restriction put on the petitioners to meet their party President and Vice President. In short it was submission of learned Advocate General that the State may not be averse to the meeting of petitioners with their President and Vice President, provided petitioners ensure that they would not do anything aimed at vitiating the peaceful atmosphere.

3. Having heard learned counsel for parties and perused the record, I am of the view that this petition can be disposed of by providing as under:

(i) That Deputy Commissioner, Srinagar, shall on receipt of copy of this Order take immediate steps to facilitate a meeting of the petitioners with Dr Farooq Abdullah, President, J&K National Conference, and Mr Omar Abdullah, Vice President, J&K National Conference, at the earliest. Deputy Commissioner, Srinagar, shall convey day, timing and duration of such meeting to the petitioners individually. It would be appropriate if the petitioners are permitted to meet the aforesaid persons separately on different occasions, either on the same day or on different days;

(ii) That the petitioners shall ensure that their meeting with their party President and Vice President is restricted to a courtesy call and to know about the wellbeing of the aforesaid two persons;

(iii) That the petitioners, after meeting their party President and Vice President, shall not go to press/media regarding their meeting and deliberations with the aforesaid persons.

(iv) That it would be appreciated if the Deputy Commissioner, Srinagar, ensures meeting of the petitioners with Dr Farooq Abdullah and Mr Omar Abdullah during the course of this week. Ordered accordingly.