

(2015) 12 J&K CK 0013

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 1826 of 2015, MP No. 1 of 2015 and Caveat No. 2030 of 2015

Mohd. Din

APPELLANT

Vs

State of J&K

RESPONDENT

Date of Decision : 10-12-2015

Acts Referred:

Citation : (2016) 4 JKJ 396

Hon'ble Judges : Mr. Muzaffar Hussain Attar, J.

Bench : Single Bench

Advocate : Mr. S.S. Ahmed, Advocate and Mr. Ayjaz Lone, Advocate, for the Appellant/Petitioner; Mr. Arjun Singh, Advocate, for the Respondent Nos. 9 to 17 and 19 and 20

Final Decision : Disposed off

Judgement

Mr. Muzaffar Hussain Attar, J. (Oral) - Learned Sub-judge (CJM), Udhampur in civil suit titled Mohd. Din v. Yash Paul and Ors. on

12.08.2014 issued an order directing the parties to maintain status quo on spot with respect to the suit land. The suit land is covered by Khasra

No. 1078/164 situated at village Basantgarh. Learned Sub Judge vide order dated 30.11.2015 further directed Station House Officer,

Basantgarh/SDPO, Ramnagar to implement order dated 12.08.2014 in its letter and spirit and file compliance report in the Court by or before the

next date. Copy of the aforesaid order has been produced by the learned counsel for the petitioner which is taken on record.

2. This petition is filed by the petitioner on the ground that despite there being Civil Court order, he is sought to be forcibly evicted from the suit

land and even the police agency which is directed to implement the order is not

implementing the same.

3. It is in the aforesaid background, learned counsel for the petitioner submitted that the petitioner has been compelled to invoke the extraordinary jurisdiction of this Court.

4. Mr. Arjun Singh, Advocate, who is on caveat, appeared on behalf of respondents No. 9 to 17, 19 and 20 and submitted that petitioner has sold land measuring 10 marlas in lieu of Rs. 80,250/- and in this behalf the petitioner has sworn an affidavit.

5. The Civil Court is in seisin of the matter. It has issued interim order and has also sought its implementation by directing police concerned to implement the same and file compliance report. The caveators who are defendants in the suit, until such time the order is vacated by the civil Court, are duty bound to honour the same. Caveators are at liberty to file written statement before the Civil Court and an application for seeking vacation of the interim orders.

6. Our is a country governed by the rule of law. Constitution of India provides protection to all the people who live in this Country. Article 14 provides ""equality before law"" and ""equal protection of laws"". Article 14 is the soul of the Constitution and it does not discriminate between the people on the basis of their faith, religion, caste or creed. Article 14, in fact, is unifying factor amongst the people belonging to different faiths religions, castes and creeds. This article guarantees unity, integrity of this country. This Court has to seek compliance and obedience of constitutional provisions from all.

7. In our Constitutional Scheme, the Courts have been created for resolving the disputes between the parties. The orders of the Court, until such time they are vacated or modified, have to be implemented, otherwise, there will be anarchy in the society. Every citizen/individual is duty bound to respect and obey the Court orders.

8. For the reasons stated above, this petition along with connected MP at this stage is disposed of and Deputy Commissioner, Udhampur,

Tehsildar, Udhampur, Senior Superintendent of Police, Udhampur and Station House Officer, Basantgarh/SDPO Ramnagar are directed to

implement the Civil Court orders and ensure; that the rights of the parties are protected in terms of the Civil Court order. They are further directed

to ensure that life, liberty and property of the petitioner is protected. All these authorities to file compliance report before the trial court within two days.