

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU.**

WP(C) 1353/2023, CM (3250/2023)

Madan Lal and others

.. Petitioner(s)

Through: Mr. M.A.Bhat, Adv.

V/s

UT of J&K and ors

.....Respondent(s)

Through: Mr. K.D.S Kotwal, Dy. AG vice Mr. Rajesh Thappa, AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

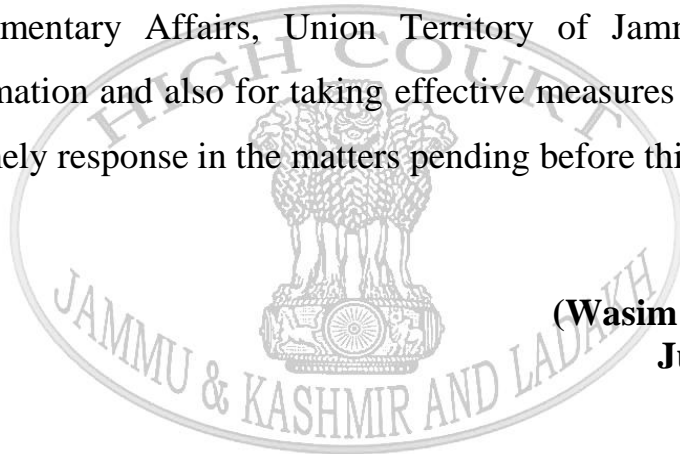
07.08.2024

- 1) One of the measures to judge democratic commitment of any Government is the respect it accords to the orders of the Court. At the same time, the real majesty of the Court lies in its vibrant existence and effective functioning. Such vibrancy and effectiveness, in turn, would be achieved by ensuring due implementation and swift obedience of the judgments and orders of the Court. The speedy implementation of the orders of the Court is inextricably interwoven in the enforcement of rule of law. It is part of observance of rule of law.
- 2) Compliance of the Court's orders and directions is imperative, else, it would have the tendency of shaking the confidence of public in the administration of justice. Long inaction and supine apathy towards compliance of the Court's orders and directions in a given case, tantamount to, obstruct the course of justice, inasmuch as, the compliance of the Court's order has to be viewed as an integral part of dispensation of justice and administration of justice. Pertinently, the State/UT and its authorities are stakeholders in this facet of administration of justice. The orders passed by the Courts of law are

shelved for one or other reason, either out of lethargy or because of red-tapism. Such state of things is fatal to the interests of administration of justice, much more, it erodes the faith and confidence of a common man in the judicial machinery and judicial system.

- 3) The instant case is a classic example of inaction on part of respondents to comply court orders, a perusal whereof reveals that notice was issued way back on 26.05.2023, on which date, the respondents were also directed to produce original record which led to the passing of order dated 04.04.2023, impugned in the present petition. However, granting of interim relief was deferred on that day.
- 4) Pursuant thereto, seven adjournments were sought on behalf of the respondents to file reply and inspite of availing various opportunities, response was not filed and the Court was constrained to impose even costs of Rs.500/- on 03.05.2024. In spite of availing several opportunities by the respondents and imposition of costs, till date, reply has not been filed which speaks volume of respect the respondents have for this Court and the orders passed by this Court from time to time.
- 5) Today, when the case was taken up, no one has appeared on behalf of the respondents. However, on asking of the Court Mr. K.D.S Kotwal, learned Dy. AG has caused appearance vice Mr. Rajesh Thapa, AAG, counsel engaged in the instant case.
- 6) The record reveals that passing of interim direction was deferred in the instant case with a view to peruse the original record. Since the respondents have failed to produce the original record and have also not filed reply within time, this Court is left with no other option, but to grant interim relief in favour of the petitioner.
- 7) Heard learned counsel for the petitioner at length.
- 8) It is very strange that the respondents despite availing various opportunities from time to time and imposition of costs, have not bothered either to file reply or to deposit the costs. What to talk of filing reply, even the original record was also not produced and the aforesaid lackadaisical approach on behalf of the Government has constrained this court to grant interim relief to the petitioner, which was deferred on the very first day to have response of the respondents. The

- casual, lethargic and insensitive approach on the part of the authorities towards the compliance of the orders and directions of the Courts cannot be tolerated.
- 9) The aforesaid approach of the respondents is highly deprecated by this Court and the respondents have to evolve an effective measure for providing assistance well in time so that the justice delivery system is not hampered and the Court time is not wasted on gaining opportunities without any justifiable cause.
 - 10) List on **18.09.2024**.
 - 11) In the meantime, subject to objections from other side and till next date before the Bench, the operation of the order impugned being order No.47-DC(Rsi) of 2023 dated 04.04.2023 issued by Deputy Commissioner Reasi, shall remain stayed.
 - 12) Let a copy of this order be forwarded to the Chief Secretary and Secretary to Government Department of Law, Justice and Parliamentary Affairs, Union Territory of Jammu & Kashmir for information and also for taking effective measures with regard to filing of timely response in the matters pending before this Court.



(Wasim Sadiq Nargal)
Judge

Jammu:
07.08.2024
"G. Nabi/Secy"