

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

WP(C) PIL No.5/2024

Indu Bhushan BaliPetitioner(s)/Appellant(s)

Through :- Petitioner present in person.

V/s

Union of India and othersRespondent(s)

Through :- Mr. Vishal Sharma, DSGI.

**CORAM: HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER

22.07.2024


Tashi Rabstan-CJ (Acting)

1. Instant Public Interest Litigation has been filed by one Indu Bhushan Bali S/o Sh. Sat Gur Parkash Bali R/o Post Office Tehsil Jourian, District Jammu with a request to treat this writ petition as Public Interest Litigation under Articles 226/227 of the Constitution of India seeking to issue a direction to the respondents to protect the fundamental rights of the parents of late Shri Harsh Nagotra.
2. It is contended in the petition that late Shri Harsh Nagotra son of Shri Subash Chander drowned in the Chenab River under mysterious circumstances and his body was found in Pakistan, which is required to be returned back from Pakistan for conduct of last rites and other rituals by the family members of the deceased-Harsh Nagotra.
3. Shri Subash Chander-the father of late Shri Harsh Nagotra and Smt. Santosh Kumari, mother of deceased-Harsh Nagotra are present in person before the Court and we have heard their grievance.
4. As the parents of deceased-Harsh Nagotra have projected their grievance before the Court and requested for early retrieval of their son's body

from the Pakistan, therefore this PIL is not maintainable on the instance of Indu Bhushan Bali. As such, we are not inclined to entertain this PIL and the same is accordingly, **dismissed**.

5. However, we take the suo-motu cognizance of the incident.

6. Registry to diarize suo motu cognizance taken by this Court under the cause title 'Court on its own motion vs. Union of India and others. The full particulars of the respondents as under:

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- i) Union of India through Ministry of Home Affairs North Block, Cabinet Secretariat, Raisina Hill, New Delhi.
 - ii) Ministry of Home External Affairs (India) South Block, Raisina Hill, New Delhi.
 - iii) Union Territory of J&K, through Secretary to Government, Ministry of Home, Civil Secretariat, Jammu/Srinagar.

7. Issue notice to the afore-noted respondents.

8. Mr. Vishal Sharma, learned DSGI who is present in the Court accepts notice on behalf of the respondent Nos.1&2. He seeks and is granted one week time to have instructions. Notice shall go to respondent No.3 only and the expenses of service of notice to respondent No.3 shall be borne by the Registry.

9. List on 29.07.2024.

10. Name of Mr. Vishal Sharma, learned DSGI be reflected in the cause list as counsel for the respondents.

(Rajnish Oswal)
Judge

(Tashi Rabstan)
Chief Justice (Acting)

Jammu:
22.07.2024
Surinder

Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No