

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

(Through Virtual Mode)

OWP No. 2250/2018
IA/1/2018, IA/2/2018
c/w
WP(C) No.1404/2023

(OWP No.2250/2018)

J&K High Court Bar Association, Srinagar,
through, Arshad Andrabi, Advocate
S/o Ghulam Qadir Andrabi,
R/o B-2 Gulberg Coop Colony,
New Airport Road, Peerbagh, Srinagar,
one of its Executive Members.

...Petitioner(s)/appellant(s)

Vs.

1. State of J&K, through,
Commissioner/Secretary to Govt.
Department of Law, Justice & Parliamentary
Affairs, Civil Secretariat, Srinagar/Jammu.
2. Commissioner/Secretary to Govt.
(Home) Department, Civil Secretariat,
Srinagar/Jammu.
3. Director General (Prisons)
J&K, Srinagar/Jammu.
4. Superintendent,
Central Jail, Srinagar.
5. Superintendent,
Central Jail, Kotabalwal Jammu.
6. Superintendent,
District Jail, Kupwara.
7. Superintendent,
District Jail, Baramulla.
8. Superintendent,
District Jail, Anantnag.
9. Superintendent,
District Jail, Udhampur.
10. Superintendent,
District Jail, Amphalla Jammu.
11. Superintendent,
District Jail, Kathua.
12. Superintendent,
Sub Jail, Hira Nagar, Jammu.

.....Respondents

Through: Mr. D.C. Raina, AG with
 Mr. Faheem Nissar Shah, GA; and
 Mr. Bikramdeep Singh, Dy. AG
 Ms. Maha Majeed, Assisting Counsel to
 Mr. T.M. Shamsi, DSGI with
 Ms. Rehana Qayoom, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR JUSTICE M.A. CHOWDHARY, JUDGE

ORDER

09.10.2024

OWP/2250/2018

01. Instant petition has been filed in the name of J&K High Court Bar Association, Srinagar through Mr. Arshad Andrabi, Advocate S/o Ghulam Qadir Andrabi, R/o B-2 Gulberg Coop Colony, New Airport Road, Peerbagh, Srinagar, one of its Executive Members. However, this petition was later on treated as Public Interest Litigation.

02. Response has been filed by the respondents raising preliminary objections with regard to locus as well as maintainability of the present petition. It is apt to reproduce paragraph Nos.3 and 7 hereunder:-

“3. That the petitioner association has no locus standi to challenge the impugned amendment as no larger public cause is projected by the present proceedings.

7. That the petitioner association has not followed the relevant rules governing filing of PIL petition in the Hon'ble High Court. In this regard reference is inter alia, made to rule 24(4) (VII) of the writ proceedings rules, 1997. The said clause reads as under: -

“.....Before filing a PIL petition, the petitioner must send a representation to the concerned authorities for taking remedial action to enable the concerned authorities to take appropriate action. Details/copies of such representation and reply, if any, must be filed

along with the petition. However, in urgent cases, petitions can be allowed to be filled without any such representation. In such cases, the petitioner must give prior notice of filing of petition to the concerned authorities and/or their standing counsel, if any.....”

03. Mr. D.C Raina, learned Advocate General submits at the Bar that the petitioner is neither authorised association nor has been registered under the Jammu and Kashmir Societies’ Registration Act, therefore, present petition/PIL is not maintainable.

04. Perusal of the record appended with this petition/PIL reveals that the petitioner has not attached any certificate showing that the petitioner is a registered society. On this ground only, the present PIL is not maintainable as the petitioner-association has no locus to file the same in the name of Jammu and Kashmir High Court Bar Association, Srinagar.

05. In view of stand taken by the respondents in the counter affidavit and the submissions made by Mr. D.C Raina, learned Advocate General, this Public Interest Litigation is not maintainable as the petitioner-association has no *locus standi* to file the same in the name of J&K High Court Bar Association, Srinagar and as such, the same is, **dismissed**, accordingly.

WP(C) No.1404/2023

Reply, if any, be filed by or before next date of hearing.

List again on 13.11.2024.

**(MA CHOWDHARY)
JUDGE**

**(TASHI RABSTAN)
CHIEF JUSTICE**

SRINAGAR
09.10.2024
Surinder