

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

...
PIL no.14/2021

Mohammad Rafiq Zargar

..... Petitioner(s)

Through: Mr A. Chesti, Amicus Curiae
Mr Tawheed Ahmad, Advocate

Versus

State of J&K and others

..... Respondent(s)

Through: Mr B.A. Dar, Sr. AAG
Mr M.A. Chashoo, AAG
Mr T.M. Shamsi, ASGI

CORAM:

**HON'BLE MR JUSTICE ALI MOHAMMAD MAGREY, JUDGE
HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE**

ORDER
16.02.2021

1. This Public Interest Litigation has been filed way back in the year 2012.
2. Petitioner, namely, *Mohammad Rafiq Zargar*, has sought restoration of prestige and pristine glory of world-renowned tourist resort, viz. Gulmarg.
3. This Court has passed slew of directions aiming at preserving glory of Gulmarg. It was in consequence of directions of this Court that a High-Level Meeting, chaired by Chief Secretary, J&K, was held, in which threadbare discussion had taken place and various steps were taken for preserving glory of Gulmarg. It was also decided to take fresh process for formulation of Master Plan. A number of Committees were also constituted, including one to consider extension and renewal of leases in respect of live lease cases and expired lease cases. A direction was

also issued to CEO, Gulmarg Development Authority, to submit details regarding illegal constructions and violations.

4. For about eight long years, this Court has been monitoring the instant PIL and ensuring that glory and prestige of Gulmarg remains preserved. However, on examination of directions passed from time to time as also status report(s) filed by respondents, it has become necessary to pass further directions as under:
 - a) No further construction shall be allowed to be raised on the land falling within the scope of the subject of the PIL;
 - b) The Chairman, Pollution Control Board, shall ensure that all the hotels in Gulmarg have proper sewerage and drainage facilities; and
 - c) The Chief Conservator of Forests shall ensure that no tree is cut down in Gulmarg.
5. We have also noticed that valuable time of Registrar Judicial of this Court is spent for spot verification of the constructions, violations and deviations, etcetera, which has, on the other hand, affected the working in the High Court. Without going to further details, we modify the Order, appointing Registrar Judicial of this Court, as Court Commissioner, by providing that henceforth as and when a need arises for any spot inspection or services of Court Commissioner vis-à-vis subject matter of PIL on hand, the Commissioner will be appointed according to requirement and nature of inspection to be made. *Ordered accordingly.*
6. Mr A. Chesti, learned Amicus Curiae, has been assisting this Court in instant PIL for last nine years.

7. On examination of the file, we have noticed that learned Amicus Curiae, has time and again not only assisted in the case orally but also placed on record valuable material in the shape Response(s), etcetera. In view of effective responses/suggestions being made by learned Amicus Curiae, it has become necessary to direct CEO, Gulmarg Development Authority, to pay an amount of Rs.25,000/- to Mr A. Chesti, learned Amicus Curiae, for meeting expenses. *Ordered accordingly.*
8. Mr Tawheed Ahmad is also assisting in the matter. We may clear here that henceforth if he requires to file any application, suggestion or response, he shall file the same through Mr A. Chesti, learned Amicus Curiae.
9. Let the matter come up on 6th of April, 2021.

(Vinod Chatterji Koul)
Judge

(Ali Mohammad Magrey)
Judge

Srinagar
16.02.2021
Tahir