

100 of M.C.

HIGH COURT OF JAMMU AND KASHMIR
SRINAGAR

Case No: PIL 159/2002 & clubbed matters Dated: 14th MAY 2016
SYED IQBAL TAHIR GEENALI VERSUS STATE & ORS

ORDER SHEET

CORAM:

HON'BLE. MR. JUSTICE MUZAFFAR HUSSAIN ATTAR - JUDGE

HON'BLE. MR. JUSTICE ALI MOHAMMAD MAQREFY - JUDGE

Whether approved for reporting :

FOR THE PETITIONER/s : MR. ZAFAR A SHAH, LD. Sr. ADV. Amicus Curiae

FOR THE RESPONDENT/s: M/S. D.C. RAINA, LD. ADV. GEN. WITH N.A. BEIGH
K.S. JOHAL, N.A. RONGA, B.A. BASHIR, Sr. ADV,
S.R. HUSSAIN & MIAN TUFAIL

MUZAFFAR HUSSAIN ATTAR (oral)

01/ In terms of order dated 16th April, 2016, the respondent - State has filed the Compliance Report, which is taken on record.

02/ As directed by the Court, the Government of J&K has, vide order No. 452/GAD of 2016 dated 27th April, 2016, copy whereof forms part of the Compliance Report, constituted a Monitoring Committee for preservation & protection of Dal Lake and other water bodies.

03/ In the aforementioned Government order, it is mentioned that the Monitoring Committee shall devise a permanent mechanism for preserving & protecting the Dal Lake and other water bodies. It is also provided in the Government order that the Monitoring Committee shall monitor and oversee the implementation of this mechanism.

04/ The previous Court direction has been implemented in part, in as much as, the Monitoring Committee has been constituted. The most important feature of this action of the respondent - State is to devise a permanent mechanism for preserving & protecting the Dal Lake and other water bodies.

05/ On last date of hearing, we had requested the learned Advocate General to include Mr. Zafar A. Shah, learned Senior Advocate, who has been appearing in this PIL as Amicus Curiae from day one, as part of the Committee. Learned Advocate General submitted that without consent of learned Amicus Curiae, he could not be included as member of the said Committee. Mr. Shah, learned Senior Advocate, consented, in the open Court, to be part of the Committee. At this stage, learned Advocate General assured the Court that corrigendum will be issued to aforementioned Government Order No. 452/GAD of 2016 dated 27th April, 2016 and Mr. Shah, learned Senior Advocate, will be included as member of the Monitoring Committee. It is provided that besides including Mr. Z. A. Shah, learned Amicus Curiae, as member of the Monitoring Committee, respondent-state would be at liberty to include any other authority/person(s), whose presence in the said Committee would be deemed necessary for taking of proper decision, by the Committee.

06/ The Monitoring Committee to convene its meeting in the next week. The first issue to be considered by the Committee shall be for evolving a permanent mechanism for preservation and protection of the Dal Lake and other water bodies.

07/ Mr. Shah, learned Amicus Curiae, submitted that until such time there is a law enacted by the State Government, through which mechanism for preserving & protecting the Dal Lake and other bodies is regulated, it may be difficult to achieve the purposes by any executive Committee.

08/ We leave it to the Monitoring Committee, of which, Mr. Shah, learned Amicus Curiae, will be part now to take call on this vital issue.

As already directed the Committee shall convene its meeting in the next week and submit report about the deliberations made and decisions taken, which shall be, primarily aimed at evolving a effective mechanism for preserving & protecting the Dal Lake as also other water bodies.

09/ The Court Commissioners have filed fresh report. Registry to provide copy of the same to Mr. N.A.Beigh, learned Senior AAG, during the course of the day. The Monitoring Committee shall look into this report and take remedial steps.

List on 27th May, 2016.

MP No. 106/2015

Mr. Naik, Sr Adv. for the Applicant(s).

Mr. N. A. Beigh, Sr. AAG for the Respondents.

At request of learned counsel for the applicant list along with main PIL.

Wherever status report has been filed, the learned counsel for the applicants/petitioners will be at liberty to file response before the next date.

List along with main PIL.

Review No. 55/2015

Mr. Anil Bhan, Adv. for the Petitioner(s).

Mr. N. A. Beigh, Sr. AAG for the Respondents.

Prima facie, this review petition is time bared. Learned counsel for the petitioner sought adjournment.

Adjourned: List along with main PIL.

OWP No. 431/2016

Mr. S. R. Hussain, Adv. for the Petitioner(s).

Mr. N. A. Beigh, Sr. AAG for the Respondents.