



2026:JKLHC-JMU:221:

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: **WP(C) No. 1196/2022**

CM No. 4025/2025

CM No. 3508/2022

CM No. 5629/2022

CM No. 4906/2024

CM No. 6149/2023 c/w

CCP(S) No.260/2023

Reserved on:08.07.2026

Pronounced on:21.07.2026

Uploaded on:22.07.2026

*Whether the operative part or full
judgment is pronounced: **Full***

1. Ms. Kunzang Dolma D/O Sonam Dorjay, R/O Teri- Zimskhang, TashlGatsal, Choglamsar, Leh Union Territory Of Ladakh. UID No.
 2. Sh. Atul Kumar S/O Sh. Jagat Singh, H No.93, Phase -II, Prem Nagar, Najafgarh, New Delhi-110043 UID No.
 3. Sh. Jagat Singh S/O Lt Inder Singh, H No.93, Phase -II, Prem Nagar, Najafgarh, New Delhi-110043 UID No.
- All Former Director/s of the struck off company Petitioner(s)

Through:- Petitioner No. 2 is present in person.

Vs.

1. Union of Indiathrough its Secretary Housing and Urban Affairs. Email: secyurban@nic.in
2. Union Territory of Ladakh Through its Principal Secretary
Email: comsecyutladakh@gmail.com
3. Advisor to Lieutenant Governor, Civil Secretariat, Leh-Ladakh Union Territory of Ladakh.
4. The Deputy Commissioner, LEH, Union Territory of Ladakh.
EMAIL: dcleh-jk@nic.in
5. Power Development Department through its Executive Engineer, Leh Union Territory of Ladakh.
EMAIL: xenstdleh@gmail.com.
6. Additional Deputy Commissioner, Leh, Union Territory of Ladakh.
7. Assistant Commissioner Revenue, Leh Union Territory of Ladakh.
8. Tehsildar, Tehsil office, Leh, Union Territory of Ladakh.



9. Assistant Director Tourism,
Leh, Union Territory of Ladakh.
10. Executive Engineer, Electric Distribution
Division, Leh, Union Territory of Ladakh.
11. Patwari, Palam village Spituk,
Leh, Union Territory of Ladakh.
12. Executive Officer. Municipal Committee,
Leh, Union Territory of Ladakh.
13. District Magistrate, Chairman DDMA, Leh.
UT of Ladakh.
14. Tsering Angchok, S/o Sh. Tsering Nurboo,
Zangsti Pa, Palam Village, Leh
Union Territory of Ladakh.
15. The Managing Committee of the Spituk
Gompa Through its President/ Ven Gonbo
Lama, Palam Village, Leh
Union Territory of Ladakh

.....Respondent(s)

Through:- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC
Mr. Rahul Pant, Sr. Advocate with
Mr. Anirudh Sharma, Advocate

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE
JUDGMENT

1. Through the medium of the present writ petition filed under Article 226 of the Constitution of India, the petitioners have sought the following reliefs:

“(i) A Writ of Certiorari or any appropriate writ or direction quashing the impugned demolition order vide SQ-18(L)Rev/2022(805) dated 17.05.2022 passed by the Additional D.C. Leh.

(ii) A Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 4 and Respondent no. 6 to allow the Petitioners, and/or their attorney, assignee, agents etc., to run the business and to water the plants and trees.

(iii) Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 5 to provide a temporary electric connection to the petitioners on the land in question in accordance to rules.



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(iv) A Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 2 and Respondent no. 4 to adequately compensate the Petitioners and/or their attorney, assignee, agents etc. for usage of premises as covid center and for the loss of business and time by the act/s of omission and commission by Respondent no. 6, Respondent no. 7, respondent no. 8 and respondent no. 11.

(v) A Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 2 to Grant lease for a parallel land for a period not less than 2 years, to reinstate the Petitioners and/or their attorney, assignee, agents etc. by shifting the infrastructure of the resort.

(vi) A Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 2, Respondent no. 4 & Respondent no. 7 to clearly earmark the land belonging to Mr. Tsering Angchok, Spituk gompa and Government of the Union Territory of Ladakh before taking any steps for demolition of the premises in question.

(vii) A Writ of mandamus or any appropriate writ or direction thereby directing the Respondent no. 2, Respondent no. 4 and respondent no. 6 grant the petitioners access to the seized articles and the documents of seizure etc.

(viii) Any other writ, order or direction as the Hon'ble Court may deem fit and proper so as to protect the rights and interests of the Petitioners.

(ix) A Writ of mandamus or any appropriate writ or direction thereby awarding the costs of the writ petition to the petitioners.”

2. Before advertng to the merits of the controversy, it also deserves notice that petitioner No. 2 appeared in person not only on his own behalf but also sought to represent petitioner Nos. 1 and 3 as well. In this regard, this Court, vide order dated 20.07.2024, directed petitioner No. 2 to place on record the requisite Power of Attorney authorizing



him to represent the other petitioners. The relevant part of the said order reads as under:

“The petitioner no. 2 present in person submits that he will argue the matter not only on his behalf but also on behalf of other petitioners as such, he requests that the learned counsel appearing for the petitioner be discharged of this professional obligation. Accordingly the petitioner no. 2 is permitted to argue the matter provided he places on record the requisite Power of Attorney on behalf of other petitioners to argue the matter. Same be done within a period of two weeks.”

3. Pursuant to the aforesaid order, petitioner No. 2 has placed on record the requisite Powers of Attorney executed by petitioner Nos. 1 and 3 authorizing him to represent them in the present proceedings. Accordingly, petitioner No. 2 has been heard not only on his own behalf but also on behalf of petitioner Nos. 1 and 3 as well.
4. During the course of arguments, however, petitioner No. 2, who appeared in person not only on his own behalf but also on behalf of the petitioners' No. 1 and 3, made a categorical statement before this Court that the petitioners do not wish to press the reliefs claimed at Serial Nos. (ii) to (vii) of the prayer clause and intend to confine the present writ petition only to the relief claimed at Serial No. (i), which pertains to the quashment of the impugned demolition communication bearing No. SQ-18(L)Rev/2022(805) dated 17.05.2022. Accordingly, the writ petition stands dismissed as not pressed insofar as the reliefs claimed at Serial Nos. (ii) to (vii) are concerned and survives only to the limited extent of examining the legality and validity of the aforesaid communication.



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5. Briefly stated, the case projected by the petitioners is that petitioner No. 2, while pursuing his business in the field of travel and tourism in the Union Territory of Ladakh, entered into arrangements with respondent Nos. 14 and 15 in respect of certain land situated at village Palam, Spituk, Leh, whereupon a tourist resort under the name and style '*The Last Resort*' came to be established. According to the petitioners, substantial investments were made in developing the said resort by raising temporary structures and creating various facilities for tourists. It is further their case that during the COVID-19 pandemic, the premises in question were requisitioned and utilised by the District Administration as a COVID Isolation Centre.
6. The petitioners further assert that despite having invested considerable amounts in developing the resort and despite the premises having been utilised by the Government authorities during the pandemic, respondent No. 6 issued the impugned communication dated 17.05.2022 directing removal of the alleged encroachment from the State land. The principal grievance projected by the petitioners is that the impugned communication was issued without serving any notice upon them or affording them an opportunity of being heard and is, therefore, liable to be quashed on the ground of violation of the principles of natural justice.
7. Upon notice, the official respondents No. 2 to 4, 6 to 8 and 11, have filed their objections controverting the averments made in the writ petition. It is their specific stand that the land in question is State land and that the camping site/resort under the name '*The Last*



Resort had been established by way of illegal encroachment thereon. It has further been pleaded that before initiating the process for removal of the encroachment, the District Administration verified the official records maintained by the concerned departments, including the records of the Tourism Department as well as the Power Development Department, and found that the resort stood registered in the name of respondent No. 14, namely, Mr. Tsering Angchok, who was reflected as the proprietor of *'The Last Resort'* and in whose name the electricity connection also existed.

8. The official respondents have further pleaded that, in view of the aforesaid official record, notices preceding the demolition action were issued to respondent No. 14, who, according to the official record, was the registered proprietor of the resort. It is their stand that after the expiry of the notice period and in the absence of any response thereto, action for removal of the illegal encroachment was initiated strictly in accordance with law. The respondents have, therefore, denied the allegation that the impugned action was taken arbitrarily or in violation of the principles of natural justice.
9. Separate set of objections have also been filed on behalf of respondent Nos. 14 and 15. A preliminary objection has been raised regarding the maintainability of the present writ petition. It has been specifically pleaded that the petition has been filed by the Directors of M/s Travel Gear Private Limited without impleading the Company itself as a party and that, in any event, the said Company already stands struck off from the Register of Companies. It has,



therefore, been contended that the petitioners lack the requisite *locus standi* to maintain the present challenge to the impugned communication.

10. It has further been contended on behalf of respondent Nos. 14 and 15 that the resort in question stood registered in the name of respondent No. 14 and that the petitioners cannot claim any enforceable legal right on the basis of disputed and unregistered arrangements alleged to have been entered into between the parties. According to the private respondents, the entire controversy sought to be projected by the petitioners involves disputed questions relating to title, possession and the nature of the arrangements allegedly entered into between the parties, which cannot be adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India.
11. Mr. Vishal Sharma, learned DSGI appearing on behalf of the official respondents, while adopting the stand taken in the objections, submitted that the impugned communication was issued only after verification of the official records, which disclosed respondent No. 14 to be the registered proprietor of the resort. It was, accordingly, argued that the petitioners, whose names did not figure either in the official tourism records or in the electricity records in relation to the resort, cannot legitimately contend that any notice was required to be served upon them before issuance of the impugned communication.



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12. In view of the statement made by petitioner No. 2 confining the writ petition only to prayer No. (i), and having regard to the rival pleadings of the parties, the only question that falls for consideration is whether the petitioners have made out any case warranting interference with the communication dated 17.05.2022 directing removal of the alleged encroachment from the State land, particularly when the impugned action was taken against the person reflected in the official records as the registered proprietor of the resort.
13. At the outset, it is required to be noticed that the petitioners have consciously confined the present writ petition only to the challenge laid against communication dated 17.05.2022 issued by the Additional Deputy Commissioner, Leh. Accordingly, this Court is not required to examine the other grievances projected in the writ petition or the supplementary affidavits regarding compensation, allotment of alternate land, release of seized articles, utilization of the resort as a COVID Isolation Centre or the inter se disputes between the petitioners and respondent Nos. 14 and 15.
14. The principal submission advanced by petitioner No. 2 is that the impugned communication directing removal of the alleged encroachment was issued without serving any notice upon the petitioners and, therefore, the same is violative of the principles of natural justice. According to the petitioners, despite the fact that the petitioners had established the infrastructure at the site and were running the business under the name and style "*The Last Resort*", no



opportunity of hearing was afforded to them before directing demolition of the structures.

15. *Per contra*, Mr. Vishal Sharma, learned DSGI, appearing for the official respondents submitted that the aforesaid contention is wholly misconceived. It is argued that before initiating action for removal of the encroachment, the District Administration verified the records maintained by the Tourism Department as well as the Power Development Department. Upon such verification, it was found that the resort in question stood registered in the name of respondent No. 14, namely, Mr. Tsering Angchok, and that even the electricity connection in respect of the resort existed in his name. It is, therefore, contended that the competent authority rightly proceeded against the person who was reflected in the official records as the proprietor of the resort.
16. Mr. Rahul Pant, learned Senior Advocate appearing for respondent Nos. 14 and 15, while raising a preliminary objection regarding the maintainability of the writ petition, submitted that the petitioners have no *locus standi* to assail the impugned communication. According to the learned Senior Counsel, the petitioners themselves admit that the Company through which the business was allegedly being carried on has already been struck off from the Register of Companies. It is, therefore, contended that neither the petitioners nor the struck off Company possess any enforceable legal right so as to challenge the impugned communication issued by the competent authority.



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17. Learned Senior Counsel further submitted that the petitioners seek to assert rights flowing from alleged lease arrangements, licence, possession and investment over the property, all of which are seriously disputed by the private respondents. It is contended that the alleged agreements relied upon by the petitioners neither confer any legal title nor create any enforceable right capable of being adjudicated in exercise of writ jurisdiction under Article 226 of the Constitution of India. It is, therefore, argued that the present writ petition is not maintainable.
18. Heard learned counsel for the parties and perused the record.
19. Having regard to the statement made by petitioner No. 2, appearing in person on behalf of all the petitioners, restricting the relief only to prayer No. (i), this Court, therefore, is proceeding to decide the instant writ petition with respect to relief as claimed by the petitioners in prayer No.(i) only. The only question which falls for consideration is whether the communication dated 17.05.2022 is liable to be interfered with on the ground that the petitioners were not served with notice before the impugned action came to be initiated.
20. The principal contention advanced on behalf of the petitioners is that the impugned communication is vitiated on account of violation of the principles of natural justice as no notice was served upon them before directing removal of the alleged encroachment. The aforesaid contention has to be examined in the light of the factual position existing on the date the impugned communication came to be issued



and the material which was available before the competent authority at the relevant point of time.

21. A perusal of the reply affidavit filed by the official respondents and after examining the record meticulously, it has come to fore that the resort in question, namely "*The Last Resort*", was found to be registered with the Tourism Department in the name of respondent No. 14, Mr. Tsering Angchok. It has further been specifically averred by the official respondents that the electricity connection pertaining to the said establishment also stood in the name of respondent No. 14, Mr. Tsering Angchok. Acting upon the aforesaid contemporaneous official records, the competent authority proceeded against respondent No. 14 and issued the notice contemplated under law before initiating the impugned action.
22. The aforesaid factual assertions made by the official respondents have not been effectively controverted by the petitioners by placing on record any official document to demonstrate that, on the date the impugned communication came to be issued, the petitioners were recognized by any statutory authority as owners, proprietors, lessees or occupiers of the establishment in question. Admittedly, neither the registration before the Tourism Department nor the electricity connection stood in the names of the petitioners. In the absence of any such material, this Court finds no infirmity in the action of the respondents in proceeding against the person who stood reflected in the official records as the proprietor of the resort.



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23. Once the respondents had acted on the basis of the official records maintained by the competent authorities, it cannot be held that they were under any further obligation to issue notice to persons whose names did not find place in such records. The administrative authorities are expected to proceed on the basis of the official records available before them and the action so taken cannot be faulted merely because third parties subsequently assert independent private claims in respect of the property.
24. It is well settled that the principles of natural justice are not to be applied in the abstract. The requirement of notice has to be examined in the context of the person against whom the authority was legally required to proceed. Once the competent authority proceeded against the person who stood reflected in the official records as the registered proprietor of the establishment, the petitioners cannot successfully complain of violation of the principles of natural justice merely because no independent notice was issued to them.
25. The petitioners have sought to justify their claim for issuance of notice by placing reliance upon the alleged arrangements entered into with respondent Nos. 14 and 15, the investments stated to have been made by them in establishing the resort and their alleged possession over the property. However, none of these circumstances, by themselves, establish that the petitioners were recognised by the official respondents as persons against whom the impugned action was required to be initiated. The question before



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this Court is not whether the petitioners have any civil or contractual claim against the private respondents, but whether the official respondents acted arbitrarily in proceeding against respondent No. 14 on the basis of the official records. The answer, in the opinion of this Court, has to be in the negative.

26. Respondent Nos. 14 and 15 have also raised a preliminary objection that the Company through which the petitioners claim to have been operating the resort already stands struck off from the register maintained by the Registrar of Companies. However, having regard to the conclusion arrived at hereinabove, this Court does not consider it necessary to examine the said objection any further, as the present writ petition can be effectively decided on the basis of the admitted position emerging from the official records.
27. In view of the aforesaid discussion, this Court is unable to accept the contention that the impugned communication is vitiated for violation of the principles of natural justice. Since the respondents proceeded against the person who stood reflected in the official records as the proprietor of the establishment, the action of the respondents cannot be said to suffer from any procedural infirmity merely because a separate notice was not issued to the petitioners.
28. Apart from the above, the impugned communication relates to removal of structures alleged to have been raised over State land by way of encroachment. The petitioners have not produced any material in the present proceedings to demonstrate that the structures sought to be removed had been raised pursuant to any permission, sanction or



lawful authority granted by the competent Government authority. In these circumstances, once the official respondents proceeded in accordance with law against the respondent No. 14 (Mr. Tsering Angchuk) reflected in the official records as the proprietor of the establishment, no ground is made out to interfere with the consequential action for removal of the encroachment.

29. Another aspect of the matter which is required to be dealt in the instant petition is that the claim projected by the petitioners is founded upon alleged agreements and private arrangements entered into with respondent Nos. 14 and 15 and their possession over the property and the investments claimed to have been made by them in developing the resort. These assertions are seriously disputed by the private respondents and fall within the realm of disputed questions of fact, which cannot be gone into while exercising writ jurisdiction under Article 226 of the Constitution of India.
30. The Hon'ble Supreme Court in '**Roshina T. v. Abdul Azeez**', (2019) 2 SCC 329, while dealing with disputes involving rival claims relating to property, observed that:

"13. The question as to who is the owner of the flat in question, whether respondent No. 1 was/is in possession of the flat and, if so, from which date, how and in what circumstances, he claimed to be in its possession, whether his possession could be regarded as legal or not qua its real owner etc. were some of the material questions which arose for consideration in the writ petition.

14. These questions, in our view, were pure questions of fact and could be answered one way or the other only by the Civil Court in a properly constituted civil suit and on the basis of the evidence adduced by the parties but not in a writ petition filed under Article 226 of the Constitution by the High Court."



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The aforesaid principle squarely applies to the facts of the present case, where the rival claims regarding the alleged arrangements, possession and rights asserted by the petitioners are seriously disputed and cannot be adjudicated in the exercise of writ jurisdiction. This Court is, therefore, not required to adjudicate upon the inter se rights of the petitioners and respondent Nos. 14 and 15 arising out of the alleged agreements, lease arrangements or any other contractual understanding relied upon by them. Equally, this Court is not required to determine whether the petitioners have acquired any independent civil rights in respect of the property or the establishment. All such questions are left open to be determined in appropriate proceedings before the competent forum, if so advised.

31. The scope of the present proceedings is confined to examining the legality of the communication dated 17.05.2022. For the reasons recorded hereinabove, this Court is satisfied that the respondents acted on the basis of the official records available before them and the petitioners have failed to establish that the respondents were under any legal obligation to issue an independent notice to them before issuance of the impugned communication.
32. Before parting with this matter, it is necessary to clarify that this Court has not undertaken any adjudication upon the rival civil claims/rights of the petitioners and respondent Nos. 14 and 15 in respect of the property or the resort. The present conclusion is founded solely upon the admitted position emerging from the official records available before the competent authority at the relevant point



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of time and no material has been placed on record to show that the petitioners were recognised by any statutory authority as proprietors or persons entitled to notice. It is only in that limited context that this Court has held that the official respondents were justified in proceeding in the manner they did.

33. In view of the aforesaid discussion, no ground is made out for exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution for quashing the communication dated 17.05.2022. The challenge laid by the petitioners is, accordingly, devoid of merit and the same is liable to be *rejected*.
34. Accordingly, the writ petition, insofar as it relates to Prayer No. (i), is *dismissed*.
35. It is, however, made clear that this judgment shall not be construed as an expression of opinion on the merits of the rival claims of the petitioners and respondent Nos. 14 and 15 arising out of the alleged agreements, title, possession, lease or any other civil or contractual rights, all of which are left open to be agitated before the competent forum in accordance with law. Pending applications, if any, shall also stand *disposed of*.
36. In view of the disposal of the main writ petition, nothing further survives for adjudication in the contempt petition. Accordingly, the proceedings in the contempt petition i.e CCP(S) No. 260/2023 shall also stand closed.

(Wasim Sadiq Nargal)
Judge



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