

SUPREME COURT OF INDIA

State of J & K

Vs.

Kamal Gorla

Contempt Petition (C)No.155 of 2007

(K.G. Balakrishnan CJI., P. Sathasivam and J.M. Panchal JJ.)

07.07.2008

ORDER

1. The subject matter of the Civil Appeal No.2948/2006 relates to the relief measures to be given to the migrants from Kashmir valley and other parts of Jammu & Kashmir State. This Court passed an order on 12th July, 2006 directing that these migrants be identified and relief measures be given to them in accordance with the rules. Now the petitioners/respondents herein allege that there are large number of migrants from Jammu and they are not given any relief measures by the authorities. According to the petitioners/respondents there are about 2201 families comprising of 11904 souls who have not been given proper relief measures. The Relief Commissioner has filed an affidavit wherein he has disputed these facts. According to him, though several applications were filed, on inquiry, it was found that many of those persons who have filed the applications, are not genuine migrants. It is alleged that some inquiry by the C.I.D. also was conducted and on inquiry it was found that these applicants were not real migrants and out of 247 applicants only three applicants were found to be genuine in one region. It is also stated in the affidavit that the Deputy Commissioners of the various districts have received several applications and after verification the migrants have been authenticated in respect of 1529 cases and those applications were processed by the Deputy Commissioners.

2. It appears that many of the facts stated by the Deputy Commissioners are stoutly denied by the applicants. According to them, so many real migrants are not being given the relief. As these factual matters are under dispute, we feel it just and proper that these real migrants are not denied their legitimate relief measures. For that purpose we direct that this contempt petition be sent to the High Court of Jammu & Kashmir which will dispose of the matter accordingly. The Chief Justice of Jammu & Kashmir will take up the matter and consider it on the judicial side and appropriate orders be passed at the earliest.

3. With the above direction, the contempt petition is disposed of accordingly. No costs.