

Government of Jammu & Kashmir
Transport Department, Civil Secretariat,
J&K, Jammu.

Subject: WP(C) No. 2856/2022 titled Abrar Ahmad Khan and others v/s UT of J&K and Ors.

Government Order No. 18 -JK(TR) of 2024
Dated: 15 -04-2024

Whereas, in year 2003 PIL No. 458/2003 titled Kashmir Consumer Welfare Forum v/s Transport Commissioner Kashmir was filed in the Hon'ble High Court of Jammu and Kashmir for seeking relief to stop the influx of illegal vehicles into the State and the Valley, to activate pollution checking squads, to curb violation of traffic rules and overloading, to construct flyover at Batmaloo, Dalgate and Qamarwari, to introduce use of low pollution Diesel for all kinds of vehicles, to install mile stones at every KMs distance, to revise the fare rates and fix the fare from one station to another after slashing down the fares in consonance with the lowered oil prices, to remove all road encroachments, scan all driving licenses and ban untrained drivers, to ban smoking in public vehicles and to take all measures to minimize air and noise pollution, to provide traffic rules training to all drivers as necessary qualification for licenses; and

Whereas, the Hon'ble High Court of Jammu and Kashmir in its order dated 08.06.2017 in PIL No. 458/2003 titled Kashmir Consumer Welfare Forum v/s Transport Commissioner Kashmir had directed Senior Superintendent of Police, Traffic to give ten points of action on which Hon'ble Court can issue directions to other associated agencies so that the traffic position is improved in the immediate future as also in the short term of one year and also in the longer period of five years; and

Whereas, Senior Superintendent of Police, Traffic in compliance to the direction had submitted 10 points of action and one of the point was "**shifting of General Bus Stand to Parimpora and removal of shops dealings with the scrap and condemn vehicle outside the general Bus stand batmalloo who has occupied huge space of the road for dumping the condemn vehicle**". In compliance to the said directions of the Hon'ble Court, Deputy Commissioner Srinagar on the direction of Divisional Commissioner, Kashmir has passed an order dated 20.07.2017 vide endorsement No. DCS/PS/MISC/17/829-47 ordered shifting of General Bus Stand Batmalloo to Parimpora. The order was passed keeping in view different factors including availability of space of Parimpora as per the side plan prepared by the Srinagar Development authority and convenience of general public. The said land was measuring 57 kanals and was notified by the transport Commissioner vide notification




No. 133-MVD/P of 2017 dated 20.07.2017 as per the orders of the deputy commissioner Srinagar, the following categories of buses/minibuses/ sumos were shifted to the new bus stand Parimpora:

1. All the buses affiliated to the western bus service operating in Kupwara, Baramulla, Bandipora and Budgam, buses affiliated to KMDA operating in District Ganderbal and the Buses of JKSRTC plying in Northern and Central Kashmir.
2. Minibuses affiliated to various Associations plying on the routes as per the annexure enclosed to the order.
3. 150 Sumos affiliated to Meerakshah Sumo Stand (Annexure enclosed with the order) all sumos affiliated to sumo stand No. 4 (annexure enclosed with order) all Sumos affiliated to Taxi Stand No. 6 (Four way) Drivers Union.

Whereas, the above said position regarding shifting of Batmalloo was brought before the court by the Divisional Commissioner Kashmir and Hon'ble Court vide its order dated 05.10.2017 has directed SSP Traffic Srinagar to clear the erstwhile Batmalloo of all the buses, further Traffic Police Srinagar, Municipal Corporation Srinagar and the Regional Transport Officer Kashmir shall ensure that no buses/mini buses/taxi cabs operate from Batmalloo. Court has also appreciated the fact that although the space at Parimpora and Batmalloo is more or less the same, but the provision at Parimpora seems to be well planed and appeared to be catering more buses etc than at Batmalloo. The bus bays are well lit with proper dividers, including ticket counters and public conveniences and there is no reason as to why there should be resistance to move from Batmalloo to Parimpora, therefore all authorities are directed to comply with the court orders; and

Whereas, the above said PIL was however, disposed of/ closed by Hon'ble Court vide order dated 07.09.2022 with following directions :-

1. *Pending the above petition certain ancillary issues were also raised and in respect whereof, orders were passed from time to time but all those issues are totally alien to the main relief claimed in the writ petition and, as such, we are of the opinion that in case any of the ancillary issues survive, the party aggrieved may raise it by means of a separate writ petition and it is not appropriate to deal with those issues in this petition which was filed for a different cause of action.*
2. *The report of the Amicus Curiae dated 19.05.2021 making certain suggestions regarding the decongestion of the traffic may be placed before the concerned authorities and they are free to deal with those suggestions while implementing the traffic rules.*
3. *The relief claimed in this writ petition having become stale with the passage of time, we do not deem it proper to proceed any further in this matter and direct the petition to be consigned to record.*

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Whereas, since the General Bus Stand Batmalloo was shifted upon the directions of Hon'ble High Court in PIL No. 458/2003 titled Kashmir Consumer Welfare Forum v/s Transport Commissioner, another writ petition **WP(C) No. 2856/2022 titled Abrar Ahmad Khan and others v/s UT of J&K and Ors** was filed before Hon'ble High Court regarding the reversal of the General Bus Stand Batmalloo claiming to formulate a comprehensive rehabilitation policy in favour of the petitioners and compensating them for the losses faced by them in respect of their livelihood activities due to shifting of the General Bus stand at Batmaloo, and the same was disposed of by the Hon'ble High Court with following directions:-

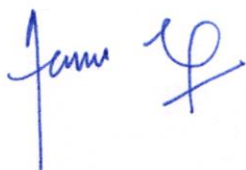
" Accordingly, the petition is taken up for final disposal and is disposed of with a direction, to the respondents to address to the representations of the petitioners effectively claimed to have been pending before them as also have regard to the case set up by the petitioners in the instant petition expeditiously and sympathetically, probably within a period of eight weeks from the date a copy of this order is produced by the petitioner before the respondents."

Whereas, apropos the subject cited above, in reference to Hon'ble High Court, Srinagar Order dated 16.12.2022, a committee was constituted by Deputy Commissioner vide No. DCS/DDMA/THQ/2023/73-77, dated 17.04.2023, to deliberate upon said matter. Accordingly, meetings of the committee constituted for the said purpose were held on 15.05.2023, 07.06.2023 and 26.07.2023. The meetings were attended by the following officers:-

1. Regional Transport Officer, Kashmir.
2. Sub-divisional Magistrate West Srinagar.
3. Dy. Superintendent of Police (Traffic) Srinagar.
4. GM, Planning & Urban Development, Srinagar.
5. Advisor, Kashmir Transport Confederation.
6. All J&K, Transport Welfare Association.
7. Abrar Ahmad Khan (Petitioner).

Whereas, all committee members were of unanimous opinion that with introduction of e- Buses as per Srinagar Smart City Plan and developing erstwhile Bus Stand into mixed use site there would be automatic partial restoration of Batmaloo Bus Stand and revival of local businesses contributing to its overall growth and development. This would however subject to the condition that the said proposal is in conformity with the directions of the Hon'ble High Court, issued from time to time, with regard to Batmaloo Bus Stand.

Now, therefore, in view of the facts elucidated above, the representation submitted by the petitioners with regard to the reversal of the General Bus Stand Batmaloo claiming to formulate a comprehensive rehabilitation policy in favour of the petitioners and compensating them for the losses faced by them in respect of their



livelihood activities due to shifting of the General Bus stand at Batmaloo, was considered in the department and found devoid of merit, hence rejected.

By order of the Government of Jammu & Kashmir.

Sd/-
(Niraj Kumar), IAS
Secretary to the Government,
Transport Department

No. TRPT-MVD0LEG/98/2022-02

Dated:15.04.2024

Copy to the:

1. Commissioner Secretary to the Government, General Administration Department.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Ld. Advocate General, J&K.
4. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
5. Transport Commissioner, J&K, Jammu.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor for information of the Hon'ble Advisor (B).
7. Private Secretary to Commissioner/ Secretary to Government, Transport Department.
8. Abrar Ahmed Khan, (Petitioner) C/O Batamaloo Traders Association (REGD.) Head Office: Opp. Dr. Wani's Clinic B.P. Batamaloo, Srinagar-190009.
9. Govt. Order/ Stock file.


15.04.24

(Raman Sharma)JKAS
Under Secretary to Government
Transport Department