

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
ATJAMMU

WP (C) PIL No. 1/2025

Reserved on 06.02.2025

Announced on 07.02.2025

Press Core Council Th. Indu Bhushan Bali,
Registered Under No. 385/2022
S/o Late Sh. Satgur Prakash Bali

...Petitioner(s)/Appellant(s)

Through: Petitioner in person

Vs.

- 1. U.O.I Th. Secretary Ministry of Defence,** ...Respondent(s)
Room No. 305.. 'B' Wig, Sena Bhawan, New
Delhi-110011;
- 2. UT of J&K Th. Chief Secretary of JK**
Government, R. No. 2/7, 2nd Floor Main
Building, Civil Secretariat, Jammu-180001;
- 3. Deputy Commissioner, Jammu, Wazarat**
Road, Jammu, J&K—180001;

Through:

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE (through VC)

HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

JUDGMENT

1. The petitioner is the Press Core Council represented through Mr. Indu Bhushan Bali. The petitioner says that he is a senior citizen and has filed the PIL, for bringing into the notice of this Court that the Jammu & Kashmir Government is constructing a hospital within 100 meters of the Army boundary wall for several years which is now almost complete, and that, the same is in clear violation of the Ministry of Defence Guidelines (2011 & 2016) and when the matter came to the notice of the present petitioner, he has filed the PIL, seeking the intervention of this Court to issue an immediate stay on the construction work and direct its

relocation to an appropriate site. According to the petitioner, this is crucial because the national security is paramount and he feels that in the interest of national security, public safety and national welfare, it is essential that the further construction of the hospital be stayed on account of the reasons already stated hereinabove. It is also stated that the Press Core Council took cognizance of the issue and found that the construction work is almost complete and which has been carried on in violation of the Guidelines of the Ministry of Defence of the year 2011 and 2016.

2. The petitioner further says that he is not aware whether the Jammu & Kashmir Government has obtained the mandatory No Objection Certificate (NOC) from the Ministry of Defence and, if such a NOC has been obtained, the petitioner says that it is a matter of serious concern as to how and why it was issued while compromising national security.
3. The petitioner has tried to elaborate how the construction of the hospital in such close proximity to the boundary wall poses the risk of interference with military activities and how the same could disrupt military patrols and other critical operations. He further says that terrorist or enemy elements could use the cover of medical facilities to conduct reconnaissance of military activities over the boundary wall and that the same could directly affect the national security, and therefore, is a concern to all the citizens, for which the interference of this Court is necessary. He further says that the operations of the hospital so close to the military activities may have adverse effects on the health of the civilians.

4. Prayers in the petition is that (a) there be an immediate stay order, halting the construction work and that no alterations be made to the existing hospital at the current site until a final decision is made in this matter, (b) the respondents be directed to submit evidence proving that the construction department has obtained the mandatory No Objection Certificate (NOC) from the Ministry of Defence, (c) if the NOC has not been obtained, an order be passed declaring the construction as illegal and halting it immediately, (d) if the NOC has been obtained, a judicial commission be constituted to thoroughly investigate its validity and assess the impact and responsibilities of the NOC, (e) the hospital be relocated to a safe and suitable location to ensure the security of both the military and civilians and (f) is the prayer for other collateral orders that may be passed in this case, in the interest of justice.
5. The abovementioned prayers made in the petition are generalized ramblings of the petitioner, far-fetched and incongruous. Not a single piece of evidence has been filed by the petitioner in order to show how the construction of a hospital which is for a public good could be a threat to the Army establishment only because it is made close to the boundary wall of the military establishment. The averments relating to terrorists and other unlawful elements make use of the hospital is far-fetched and fanciful and most importantly, the institution which is the best placed to raise such an objection at all was the Army itself.
6. When this Court asked the petitioner, who appeared in person, that Ministry of Defence itself has not raised any objection with the UT Government, to which the petitioner replied that the Ministry of Defence ought to have taken objection and because it has failed to do so, the

petitioner has come forward in order to secure the interest and safety of the Nation.

7. The stand taken by the petitioner is absurd and downright preposterous. It is unimaginable that the interest of the petitioner with regard to the national security and the safety of the military establishment could be greater than that of the Ministry of Defence, which is directly vested with the responsibility of ensuring national security.
8. This frivolous petition has been filed in order to waste the time of the Court and its resources and, therefore, the same is dismissed at the very threshold with a cost of Rs. 10,000/- to be paid into the account of the Army Welfare Fund within a period of six weeks from the date of this Order.
9. The petition is dismissed.
10. Registry to ensure that the costs are deposited and disbursed to the Army Welfare Fund.
11. Copy of the judgment be provided to learned counsel for the respondents.

(RAJESH SEKHRI)
JUDGE

(ATUL SREEDHARAN)
JUDGE

SRINAGAR:
07.02.2025
ARIF