

**SUPREME COURT OF AZAD JAMMU AND KASHMIR**  
[Appellate Jurisdiction]

**PRESENT:**

Ch. Muhammad Ibrahim Zia, C.J.  
Raja Saeed Akram Khan, J.

Civil Misc. No.04 of 2018  
(Filed on 22.01.2018)

Khawaja Azam Rasool & others  
.....PETITIONERS

VERSUS

Raja Sajjad Ahmed & others  
.....RESPONDENTS

[Application for interim relief)

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FOR THE PETITIONERS: Raja Amjad Ali Khan,  
Advocate.

FOR THE RESPONDENTS: Nemo.

Date of hearing: 22.01.2018.

**ORDER:**

**Ch. Muhammad Ibrahim Zia, C.J.-**

During pendency of petition for leave to appeal under completion in the registry office, this application for ad-interim ex-parte order for

suspension of the operation of the impugned order of the High Court dated 19.01.2018 has been placed before the Court.

2. The brief facts as brought on the record are that on 27.05.2017 an application was filed in the High Court for granting extension of time to conduct the Election of Local Bodies. Through the impugned order dated 19.01.2018, the learned Chief Justice of High Court while conducting proceeding on this application has suspended the even dated notifications of appointment of Local Councils Administrators bearing Nos. AJK-SLG/73-84/2018, AJK-SLG/85-96/2018, AJK-SLG/97-108/2018, AJK-SLG/109-120/2018, dated 02.01.2018. Feeling aggrieved, the persons who were appointed through the suspended notifications have challenged the proprietary of the impugned order of the High Court on various grounds.

3. Raja Amjad Ali Khan, Advocate, the learned counsel for the petitioners after narration of necessary facts seriously opposed the impugned order of the High Court being without jurisdiction

and contrary to the interim injunction issued on 16.05.2017 in writ petition No.878/2017 titled *Raja*

*Shujaat Ali Khan 7 others vs. Azad Govt. & others.*

While elaborating his points, he submitted that before the High Court no competently filed lis is awaiting disposal, only an application for extension of time was moved. According to rules, this application should have been rejected or the time should have been extended but the learned High Court has got no legal competence to conduct the proceeding in such like application for an indefinite period. He further argued that in Raja Shujat's (supra) writ petition, which is subjudice before the High Court, the main prayer is regarding the demarcation and creation of Local Councils/bodies Constituencies on the basis of census. The learned single Judge in the High Court vide order dated 16.05.2017 issued the interim injunction in that writ petition while directing the Government, Local Government Department, Election Commissioner and Local Councils/bodies to maintain the status-quo. The writ petition is awaiting disposal before

the Division Bench of the High Court comprising of the learned Chief Justice and Justice Muhammad Sheraz Kiani which was also fixed for hearing on 18.01.2018 and now next ate for hearing has been fixed almost after two months time i.e. 14<sup>th</sup> March, 2018. He submitted that in view of the above facts the impugned order appears to be totally against law and without jurisdiction. He further argued that the petitioners were neither parties nor provided with an opportunity of hearing, thus, the impugned order is also against the basic principle of administration of justice i.e. *Audi Altrem Patrem*. The impugned order has created anomalous situation and throughout the Azad Jammu and Kashmir the Local Councils/bodies have been practically deprived of the Administrators which appears to be violation of law. If the impugned order is not suspended, not only the petitioners but the public at large will be adversely affected. The petitioners have got very strong arguable case. Prima facie, the impugned order is against law and an irreparable loss is likely to be caused to the

petitioners, therefore, the operation of the impugned judgment of the High Court may kindly be suspended.

We have heard the learned counsel for the parties and examined the record made available. Prima facie, the arguments advanced at bar find support from the record, however, as presently nobody from the other side is before the Court, therefore, any observation regarding merit of the case is avoided. Keeping in view the overall circumstances and propositions involved in this case, subject to objections from the other side the operation of the impugned order of the High Court dated 19.01.2018 is suspended. Notice shall be issued to respondent No.1 to file objections, if any. The petitioners have also arrayed the learned High Court through its Registrar as respondent No.2. The proposition whether in such like proceeding arraying the High Court is proper or not, will be resolved at the time of hearing of petition for leave to appeal. However, the copy of the petition along with Annexures shall be sent to the Registrar High

Court for apprising the learned Chief Justice. The office is directed to ensure completion of the petition for leave to appeal. This application shall be taken up along with petition for leave to appeal on 29<sup>th</sup> instant.

CHIEF JUSTICE

JUDGE

Mirpur,  
22.01.2018