IN THE SUPREME COURT OF AJ&K

Ch. Tariq Farooq versus Sheikh Masood Iqbal & another

PRESENT:
Raja Sajjad Ahmed Khan, Advocate for the petitioner.

ORDER

After hearing the learned counsel for the petitioner and reviewing the record, it appears that in the case titled *Ch. Tariq Farooq vs. Azad Govt. & others*, this Court, through its order dated 20.09.2019, converted the petition for leave to appeal into an appeal, accepted it, **admitted the writ petitions for regular hearing**, and remanded the matter to the High Court for a decision strictly in accordance with the law. The subsequent review petition filed against this order was also dismissed. After remand, on behalf of respondents No.1 to 4 & 6 to 9 in the writ petition, the Advocate General submitted a written statement containing derogatory remarks. Noting this, the High Court ordered the deletion of such remarks and directed the respondents to submit an amended written statement. Respondent No.9, Mushtaq Ahmed Janjua, later submitted a written statement, in which paragraph 5 reads as follows:

> *"That it is settled principle of law of the administration of justice that fruitless litigation cannot be encouraged, when on the face of it, according to the factual and legal proposition agitated in the writ petition is not maintainable and* ***at the same time admission of writ petition amounts to abuse of process of law and Courts*** *for dragging the parties into un-necessary agony of litigation as well as wastage of precious time of the Courts and that the institution of writ petition is for achieving ulterior objects, therefore, no provision of the constitution or any law has been violated. The writ petition merits dismissal in limine.*

It appears that respondent No.9 before the High Court has used derogatory remarks, without keeping in mind that the High Court does not sit in appeal against the order of this Court. The

phrase "abuse of process of court" refers to the misuse of judicial procedures for improper purposes. Associating the Supreme Court's final decision with an "abuse of process" implies that this Court acted improperly or unjustly, which undermines its authority, questions its integrity, and risks eroding public trust in the judiciary.

This may be the first example in the history of Azad Jammu and Kashmir that such like words have been used for this Court, that too before the High Court. The words used by him show arrogance towards the apex Court. Even the written statement filed by the Advocate General contained the same wording. We don't expect this from the Advocate General who is holding the post of principal law officer. He is not supposed to become party in the matter. His words give the impression of a personal grudge.

Although after plain reading of the record, the act of respondents falls within the category of contempt on the face of the Court and warrants immediate action including the imposition of the maximum penalty for contempt, however, while taking into account the principle of natural justice we are intended to issue notice to both the respondents that why the contempt proceeding may not be initiated against them. Their replies should reach this Court within a period of fortnight. To come up for further proceedings on _____.

It may also be stated here that today, Meer Sharafat Hussain, Advocate, voluntarily appeared and disowned his signatures on written statement filed before the High Court.

CHIEF JUSTICE JUDGE JUDGE

Muzaffarabad,
15.11.2024