

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General at Jammu)

Subject:- DO letter dated 05th December, 2024 of the Home Secretary, Government of India- Issuance of Advisory to all Civil Courts regarding cases pertaining to enemy property vested with custodian of enemy property.

CIRCULAR

No: 01 of 2025/RG

Dated: 15.02.2025

Whereas, it is being observed that despite the following explicit legal provisions in the Enemy Property (Amendment and Validation) Act, 2017, like all over India, the Civil Courts throughout the UTs of J&K and Ladakh have been entertaining the cases pertaining to enemy properties vested with the Custodian of Enemy Property:-

Section 18B - "**Exclusion of jurisdiction of civil courts-** Save as otherwise provided in this Act, no civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any property, subject matter of this Act, as amended by the Enemy Property (Amendment and Validation) Act, 2017", or any action taken by the Central Government or the Custodian in this regard.

Section 22A(c)- No suit or other proceedings shall, without prejudice to the generality of the foregoing provisions, be maintained or continued in any court or tribunal or authority for the enforcement of any decree or order or direction given by such court or tribunal or authority directing divestment of enemy property from the Custodian vested in him under section 5 of this Act, as it stood before the commencement of the Enemy Property (Amendment and Validation) Act, 2017, and such enemy property shall continue to vest in the Custodian under section 5 of this Act, as amended by the aforesaid Act, as the said section, as amended by the aforesaid Act was in force at all material times;

Whereas the prolong pendency of these cases is not only causing delay in monetization of the Government assets and also paving the way for unnecessary and avoidable litigation.

Whereas, the matter was placed before Hon'ble the Chief Justice for soliciting further orders and His Lordship has been pleased to direct that a circular containing the aforesaid legal provisions may be issued for its adherence by all the Civil Courts of UT of J&K and Ladakh.



Now, therefore, all Civil Courts under the jurisdiction of High Court of J&K and Ladakh are hereby impressed upon to adhere to the aforesaid provisions of the Enemy Property (Amendments and Validation) Act, 2017 in its letter and spirit.

By Order.


(Shahzad Azeem)
Registrar General

No: 6994-7040 /RG/GS

Dated: 15 .02.2025

Copy of above forwarded to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh;
2. Secretary to Hon'ble Mr./Mrs Justice _____;
..... for kind information of their Lordships.
3. Registrar Vigilance, High Court of J&K and Ladakh, Jammu
4. Registrar Rules, High Court of J&K and Ladakh, Jammu.
5. Registrar Computers (I.T), High Court of J&K and Ladakh, Srinagar;
6. Registrar Judicial, High Court of J&K and Ladakh, Jammu/Srinagar;
7. All Principal District and Sessions Judges, UTs of J&K and Ladakh for information and with the request to get the same circulated amongst the Judicial Officers working under their jurisdiction.
..... for information and necessary action.
8. CPC e-Courts, High Court of J&K and Ladakh, Jammu for information and with the request to upload the same on the official website of the High Court.
9. Incharge Library, High Court of J&K and Ladakh, Jammu/Srinagar for information and keeping the record of the same.
10. Order file.


Registrar General