

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Reserved on : 18.07.2025

Pronounced on : 22.07.2025

**WP(C) No. 1185/2025**

**Bhole Bhandari Charitable Trust(Regd.)  
Registered Office: D-108,  
Phase V, Focal Point Ludhiana-141010, Punjab  
Through its President, Mr. Rajan Gupta, age 65,  
S/o Sh. Joginder Kumar,  
R/o 49/14-E, Sandeep Nagar, Behind Gulmor Hotel,  
Ludhiana – 141001.**

*.....Petitioner*

Through: Mr. P. N. Raina, Sr. Advocate with  
Mr. Nigam Mehta, Advocate  
Mr. J. A. Hamal, Advocate

**Vs**

- 1. Shri Amarnathji Shrine Board (SASB), Jammu/Srinagar through its Chairman, Chaitanya Ashram, Talab Tillo, Jammu.**
- 2. Chief Executive Officer, Shri Amarnath Shrine Board, Chaitanya Ashram, Talab Tillo, Jammu.**
- 3. Additional CEO, Shri Amarnath Shrine Board, Chaitanya Ashram, Talab Tillo, Jammu.**
- 4. Deputy CEO, Shri Amarnath Shrine Board, Chaitanya Ashram.**

*.....Respondents*

Through: Mr. Mohsin Qadri, Sr. Advocate  
(*through virtual mode*) with  
Mr. Anuj Dewan Raina, Advocate.

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**JUDGMENT**

01. Heard Mr. P. N. Raina, learned Sr. Advocate for the petitioner as well as Mr. Mohsin Qadri, learned Sr.

Advocate for the respondents. Perused the writ pleadings and the documents therewith.

02. The petitioner – Bhole Bhandari Charitable Trust (“**BBCT**” in short) is a trust constituted in terms of trust-deed dated 17.01.2002 with its head office located in Ludhiana, Punjab. The registration of the petitioner-BBCT as a religious charitable trust is vide a trust-deed dated 17.01.2022 registered by the Sub-Registrar, Ludhiana. Vide an amended trust-deed dated 11.06.2002, the trust-deed came to be amended which amendment is also duly registered.

03. The petitioner-BBCT is, thus, a non-governmental organization (NGO) which has given to itself aims and objectives and the primary one is organization of free langars, providing free tented/pucca accommodations, medical facilities and other facilities to **Shri Amarnath Ji Yatris** which seems to be a moving spirit of the persons/members aligned, affiliated and associated with the petitioner-BBCT in its engagement as religious and charitable organization.

04. In the writ petition, the petitioner-BBCT claims that the motivation to constitute trust in the year 2002 by its founding members emanated from their routine annual pilgrimage without a miss to Shri Amarnath Ji Holy Cave for

the darshan of Divine Deity Bhole Shankar seated and obtaining annually in Lingam attaining form and its dissolution co-inciding with pious day of Shravan Purnima.

05. The petitioner-BBCT submits that its founders as well as its trustees have been regularly setting up langars for the last 28 years to serve the pilgrimage (yatra) of men and women, rich and/or poor, young and/or old, ascetics (sadhus) and/or commoners which is annually drawn with increasing rush from Hindu populace of India defining and exhibiting perpetually binding and unifying Sanatan Spirit of India.

06. The claim of the petitioner-BBCT that it has been holding and setting up of langar for the last 28 years admits of no contradiction given the fact that the petitioner gains no privilege by setting up a spurious claim. The genuineness and confirmation of said claim of the petitioner is accredited from the record of this case itself that at least from the year 2012 onwards to 2024 the fact of the petitioner's setting up the langar on the basis of periodic permissions is gatherable except for two intervening years of 2020 and 2021 when on account of Covid-2019, Shri Amarnath Ji Yatra had remained suspended.

07. The duration of Shri Amarnath Ji Yatra is invariably spanned for two to three months every year with conclusion

taking place on the auspicious falling of Shravan Purnima day.

08. The religious and historical significance of the Yatra is related to divine phenomenon of formation and emergence of Shiv Lingam (phallus) representative of deity form of Bhagwan Shiv every year at the scared site in the Holy Cave serving as sanctum sanctorum.

09. In order to have the glimpse of the divine presence of the Deity in its said form, the devotees, generation after generation, have been doing the pilgrimage which with the passage of time has kept on increasing which brought the role of the State in the management of the Yatra for which in the beginning the Local as well as the State Administration used to provide measures in facilitating and regulating the pilgrimage.

10. With the ever growing number of pilgrims visiting Shri Amarnath Ji Cave, the State Legislature of Jammu & Kashmir State came up with the Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000 enacted on 14.11.2000 with an aim and objective to provide for the constitution of a statutory **Board** for the better management of Shri Amarnath Ji Yatra, upgradation of facilities for the whole of pilgrims and the matters connected therewith or incidental thereto. The respondent No. 1 is said statutory entity.

11. A pilgrimage, in the context of Hindu religion to known and established pilgrimage and religious places is intertwined with two aspects. One is that of **Self** and other one is of **Service**. Pilgrimage by a person is for self-spiritualization, whereas selflessly serving the pilgrims by the Servers is equally a pilgrimage but by Service.

12. The petitioner-BBCT and its membership is engaged in its Shri Amarnath Ji Yatra/pilgrimage by mode of selfless service and in that context its members are bearers of respective fundamental right in the context of article 25 in Part III of the Constitution of India.

13. In availing of the fundamental right drawn from the aforesaid article of the Constitution of India, the members of the petitioner-BBCT, in the name of the petitioner-BBCT, have been volunteering themselves in terms of their resources, expense and efforts to mobilize and transport men and material for the purpose of stationing a langar at Panchtarni enroute to Shri Amarnath Ji Holy Cave so as to provide free food/eatables and resting space for the pilgrims taking pedestrian Yatra onwards the last Station upto which arrival is by use of vehicles. One has to take said pilgrimage of Shri Amarnath Ji Yatra to realize the physical hardship and endurance overcome by the pilgrims enroute and this is where organizations like that of petitioner-BBCT volunteer

their presence and potential to provide succor to the pilgrims both in terms of food and rest.

14. The protocol/regime which the respondent No. 1 has been following in the matter of setting up of langars is that the respondent No. 1's establishment would issue and address an individual Expression of Interest (EoI) to the willing Organizations equipped with certified status, credentials and wherewithal in response where to the addressed Organizations would come forward submitting their respective willingness to set up the langar facilities enroute Shri Amarnath Ji Yatra and, accordingly, earn a written permission with the terms and conditions stipulated therein on the basis whereof the permitted langar facility gets set up to carry out its role of service to the pilgrims.

15. Thus, in a sense, it is just a space- providing which is principally done by the respondent No. 1 at the different locations enroute Shri Amarnath Ji Yatra for a particular langar organization whereat it is the permitted langar organization which comes in its role of service provider of food and eatables free of charge to the pilgrims.

16. From the year 2012 till 2024, minus two years 2020 and 2021 of Covid-2019, the petitioner-BBCT on the basis of its proven credentials used to be addressed with an Expression of Interest (EoI) from the respondent No. 1's end

and consequently earn permission letter for setting up of its langar facility at Panchtarni which is an earmarked stop-over station of the pilgrims marching from base camps at Pahalgam to Shri Amarnath Ji Cave.

17. For Shri Amarnath Ji Yatra of 2025, the petitioner-BBCT was taken by surprise in not receiving much awaited and expected an Expression of Interest (EoI) from the respondent No. 1's end although similarly situated and serving organizations like the petitioner-BBCT regularly setting up langars facility had come to receive timely Expression of Interest (EoI) to register the consent so as to earn the permission letter for this year yatra.

18. The petitioner, by virtue of a communication dated 18.02.2025 (annexure-IX, Paper-book page No.139) addressed a request to the respondent No. 3- Additional Chief Executing Officer of the respondent No. 1 thereby seeking an attention and indulgence in the matter of grievance in non-issuance of Expression of Interest (EoI) to the petitioner-BBCT and the reasons for out-casting the petitioner-BBCT from being one of the beneficiaries of invitation from the respondent No. 1's end for setting up of langar facility similarly placed with last year invitees. The request was submitted by the petitioner-BBCT through e-mail mode as well.

19. Finding no immediate response from the end of the respondent No. 3 –Additional Chief Executing Officer of the respondent No. 1 and the time being of essence in the context of seeking requisite permission, the petitioner rushed to address an e-mail dated 22.03.2025 to Shri Manoj Sinha, the Lieutenant Governor, UT of Jammu & Kashmir as being ex-officio Chairman of the respondent No. 1 thereby soliciting his consideration in facilitating issuance of Expression of Interest (EoI) to the petitioner-BBCT which also evoked no response.

20. The petitioner-BBCT had addressed its concern to the attention of Shri Manoj Sinha, Lieutenant Governor, UT of Jammu & Kashmir both in terms of e-mail as well as regular mode representation submission which is coming forth from Paper-book page Nos. 133, 134, 136/137.

21. In a desperate effort to earn issuance of an Expression of Interest (EoI) from the respondent No. 1's end, the petitioner addressed a detailed representation dated 01.05.2025 to Shri Manoj Sinha, the Lieutenant Governor of UT of Jammu & Kashmir without comfort of any response coming on its way thereby making the petitioner-BBCT to suffer an understanding that it has been singled out without any rhyme or reason by the respondent No. 1's establishment to be denied an opportunity of setting up of a langar facility at Panchtarni for the current year-2025 Shri

Amarnath Ji Yatra and that led to the institution of the present writ petition on 08.05.2025 thereby seeking the following reliefs:-

- A. Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to forthwith issue the Officer Inviting Letter/ Expression of Interest (EOI) and necessary permission in favour of the Petitioner Trust for rendering Bhandara services at Panchtarni during Shri AmarnathJi Yatra 2025: AND;
- B. That the Respondents may kindly be directed to take a decision after granting a proper opportunity to the Petitioner Trust to plead its case and affording a personal hearing in the interest of natural justice and communicate their decision to the Petitioner Trust regarding the issuance of the Offer Inviting Letter (EOI) and the Permission Letter within one week; and in the event of any adverse decision, a reasoned and speaking order may kindly be passed: and if the Petitioner Trust succeeds in obtaining the Permission Letter, the same site at Panchtarni, where it has been consistently establishing its Bhandara for the last many years may kindly be allotted to it; AND;
- C. That during the pendency of this case, the Respondents may kindly be directed not to allot the Bhandara site of the Petitioner Trust at Panchtarni to any other Langar organization.

22. This Court, on the very first admission hearing of the writ petition, by appreciated the fact that the petitioner-BBCT on the basis of its conduct in carrying out the langar

facility for the last year of Shri Amarnath Ji Yatra-2024 had suffered no disqualification or disability and instead had earned requisite NOC dated 13.08.2024 from the Camp Director of the respondent No. 1 – Panchtarni (paper-book page No. 121) as being an essential component of next year issuance of Expression of Interest (EoI) to a particular langar organization in being invited for setting up langar for the Yatra and also for issuance of permission.

23. This Court passed an order dated 14.05.2025 thereby invoking the indulgence of the respondent No. 2 – Chief Executive Officer of the respondent No. 1 to consider the pending request of the petitioner-BBCT for grant of Expression of Interest (EoI) for the langar facility for the Shri Amarnath Ji Yatra – 2025 in due regard to the fact that the petitioner-BBCT in terms of last year-2024 setting up of langar facility had suffered no disqualification/disability.

24. The petitioner-BBCT in its representation as well as in the present writ petition referred to its exclusion as being a targeted one emanating as a matter of retribution from the bureaucratic set up of the respondent No. 1 aimed against the petitioner-BBCT for an act on the part of the petitioner-BBCT in raising concern with respect to the functioning of the bureaucratic establishment of the respondent No. 1 in the matter of conduct of Yatra.

25. Thus, Article 14 of the Constitution of India has come to be invoked by the petitioner-BBCT in writ petition to seek judicial review jurisdiction of this Court under Article 226 of the Constitution of India to call upon the respondents to allow to the petitioner-BBCT to set up langar facility at Panchtarni for this year Yatra.

26. In the writ petition, it has been pleaded that more than 110 Langar Organizations(LOs) came to be issued Expression of Interest (EoI) by the end of January, 2025 which were last year-2024 invited and permitted Langar Organizations and further 10 to 12 new langar organizations being invited by the Expression of Interest (EoI) issued in April, 2025, but deleting the petitioner-BBCT out of reckoning that too without any statement of reason coming forth from the end of the respondents which has been reckoned by the petitioner-BBCT to be nothing but sheer display and exploit of *ipse-dixit* on the part of the respondents No. 2 to 4 and, thus, an arbitrary and unfair treatment and discrimination meted out to the petitioner-BBCT from the end of the respondents to render the same questionable by reference to Article 14 of the Constitution of India.

27. The petitioner in its writ petition has positioned the respondent No. 1 to be discharging public functions from its

statutory/public body status and, thus, amenable to writ jurisdiction under article 226 of the Constitution of India.

28. Along with the writ petition, the petitioner has annexed the documents on the basis of which the averments made in the writ petition are drawing support and reference in setting up a case of violation of Article 14 of the Constitution of India at the end of the respondents by acts of omission or commission at their respective ends thereby leaving the petitioner deprived and denied of its legitimate claim of setting up langar at the identified place in continuation of its past engagements for the purpose.

29. The respondents from their end have come forward with Preliminary Objections, Preliminary Facts and Para-wise Reply format of reply to the writ petition.

30. In their reply under the heading Preliminary Objections, the respondents submit that the **writ petition in its present form is utterly misconceived both in law and on facts and is not maintainable under article 226 of the Constitution of India.**

31. It is submitted by the respondents that communication of an Expression of Interest (EoI) from the respondent No. 1's end to the NGOs engaged in langar services is only an invitation/offer without creating any corresponding legal obligation or contract and is, therefore,

purely discretionary and not enforceable through writ jurisdiction. It is asserted that no one can demand or accept as a matter of right issuance of an Expression of Interest (EoI).

32. It is admitted by the respondents in the Preliminary Objections that there is no statutory provision, rule of notification that makes it mandatory for the respondent No. 1 to issue an Expression of Interest (EoI) to any individual or trust, as such, no legal cause accrues to the petitioner and correspondingly no legal duty resting upon the respondents with respect to which a writ of mandamus can be solicited and be issued.

33. The statutory background of the respondent No. 1 is highlighted in the Preliminary Objections in furtherance whereof it is being submitted that there are certain terms and conditions laid out at the end of the respondent No. 1 operating during the Yatra with respect to langar services for the pilgrims which are meant for Langar Operators/NGOs to adhere to.

34. Under the **Preliminary Facts**, the respondents come forward bearing reference to sections 13 & 16 of the Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000.

35. The respondents in their objections have laid emphasis on the terms and conditions which used to attend

issuance of Expression of Interest (EoI) and consequent permission letter/s to the beneficiary Langar Organization/s in the matter of setting up of langars at the designated places and this is by reference to 22<sup>nd</sup> meeting of Shri Amarnath Ji Shrine Board ("**SASB**" in short) of 2012 wherefrom onwards the protocol of issuance of Expression of Interest (EoI) followed by permission letter is said to have been followed.

36. It is highlighted in the reply by the respondents that the directions issued by the Hon'ble Supreme Court of India in WP(Civil) No. 284 of 2012 titled "**Court on its Own Motion Vs Union of India,**" (2013(1) JKJ (HC) 1) relatable to Shri Amarnath Ji Yatra also provided an incentive for the respondent No. 1 to formulate terms and conditions relatable to setting up of langars by Langar Organizations. It is submitted by the respondents that the terms and conditions in each passing year have evolved with respect to regime of setting up of langars.

37. In the Para-Wise reply, the respondents come forward stating that for the year-2025 Yatra, the petitioner was not issued Expression of Interest (EoI) as per the decision and discretion of the answering respondents after taking into consideration various factors related to safe and hustle free conduct of Yatra, availability of safer places in

Yatra area, aspects of crowd management, security and safety of pilgrims etc.

38. It is stated in the reply that with respect to the setting up of langar by the petitioner in the year 2024 Yatra, the issuance of NOC in favour of the petitioner pointed out an act of omission or commission at its end which was not appreciated by the respondents at their end.

39. Issuance of Expression of Interest (EoI) from the respondent No. 1's end is being pleaded to be the sole prerogative of the respondent No. 1.

40. With respect to issuance of NOC in favour of the petitioner with respect to 2024 Yatra which is a *sine-qua-non* for the purpose of earning next year Expression of Interest (EoI) and consequent permission, the respondents have come forward stating that the no objection certificate (NOC) has not been issued as satisfactory which disentitled the petitioner in terms of its clean record.

41. It is in the aforesaid broader factual perspective that the respondents come forward pleading that the petitioner has come up with the writ petition bearing a misconceived cause.

42. Before proceeding further with the actual evaluation of the matter in issue as to whether the petitioner has been

subjected to an unfair, arbitrary and discriminatory course of action without any corresponding decision to said effect by and at the end of the respondents, **this Court first needs to examine and deal with the plea of the respondents in Preliminary Objections that the writ petition under Article 226 of the Constitution of India is not maintainable.**

43. The respondents have not elaborated on this particular above cited aspect as to what is the actual intent and content in the said preliminary objection which is meant to be registered by it for this Court to deal with and, therefore, this Court is caught in a fix as to whether the respondent No. 1 is meaning and claiming an immunity from being subjected to judicial review jurisdiction under Article 226 of the Constitution of India on the plea that the respondent No. 2 does not qualify to be an entity falling within the scope of article 12 of the Constitution of India or that the matter set up in the writ petition is not justiciable.

44. Now, if the respondents are meaning to say that the respondent No. 1 cannot be subjected to judicial review jurisdiction of this Court under Article 226 of the Constitution of India at the asking of any one lest that of petitioner and, therefore, a writ of any kind or for any cause under Article 226 of the Constitution of India is not maintainable, the respondents are seriously misplaced in

their understanding in this context as post judgment of the Hon'ble Supreme Court of India in the case of **“Zee Telefilms Ltd. and another Vs Union of India and others,” 2005 AIR SC 2677** read with the latest judgment of the Hon'ble Supreme Court of India in the case of **“Dileep Kumar Pandey Vs Union of India and others,” 2025 AIR Online SC 544** wherein public function test of an Authority, be it public authority or private authority, statutory or non-statutory authority, governmental or non-governmental authority, has been reckoned to be a determining factor to undertake the judicial review of an action/decision of a given Authority under judicial review jurisdiction in terms of Article 226 of the Constitution of India which is held to be hedged not by the constraints which otherwise attend the exercise of jurisdiction under Article 32 by reference to Article 12 of the Constitution of India in the matter of issuance of prerogative writs.

45. The statutory make of the respondent No. 1 would otherwise *per-se* render itself to be an Authority under Article 12 of the Constitution of India whereas otherwise also it would always continue to be an “Authority” as referable in the context of reach of article 226 of the Constitution of India.

46. The reason for this Court to say and hold that the respondent No. 1 qualifies to be an Authority under Article

12 of the Constitution of India is that, unlike the Jammu & Kashmir Shri Mata Vaishno Devi Shrine Board constituted under the Jammu & Kashmir Shri Mata Vaishno Devi Shrine Act, 1988 which has been held not to count as a State or an Authority within the meaning of article 12 of the Constitution of India, in terms of judgment in the case of **“Omkar Sharma and others Vs Mata Vaishno Devi shrine Board and others,” 2005(III) JKJ 388** the respondent No. 1 is distinctly placed in terms of its statutory make under the Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000.

47. In terms of the Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000 while the Preamble declares that the statutory constitution of the respondent No. 1 is for the better management of Shri Amarnath Ji Yatra, upgradation of facilities for the whole of pilgrims and the matters connected therewith or incidental thereto, the creation of statutory Board Fund as defined in section 3(b) of the Jammu & Kashmir Shri Amarnath Ji Shrine Act, 2000 refers to grant-in-aid to be received from the Govt. of the Union Territory of Jammu & Kashmir, Govt. of India, contributions from philanthropic organizations/persons, non-governmental organizations, any registration fee that might be required to be paid under rules by the pilgrims who initiate economic activity enroute and the Chadawa being the offerings made by the pilgrims.

48. By this very definition itself of the Board Fund, the character and status of the respondent No. 1 literally transcends to be that of an Authority as envisaged under Article 12 of the Constitution of India and, therefore, a writ petition under Article 226 of the Constitution of India relating to enforcement of fundamental rights and also other rights which fall within the scope of Article 226 of the Constitution of India is very much a constitutional remedy available at the disposal of a citizen or an organization comprising of a citizens complaining of violation of Article 14 of the Constitution of India.

49. Even if the respondent No. 1 is given to argue that it cannot be held and declared to be an Authority within the scope of Article 12 of the Constitution of India by reference to essence of "Board Fund" still it being a statutory authority and surely meant only for performance of public functions and duties, that too relating to the fundamental right drawn from and relating to Article 25 of the Constitution of India and also being outsourced with an element of Police Power of the State in the matter of regulating the Yatra by grant and denial of permissions of setting up of langars enroute to Holy Cave, the respondent No. 1 is rendered fully amenable to an accountability and answerability under Article 12 of the Constitution of India for its public and citizen affecting actions/decisions.

50. Thus, with clarity in mind about the statutory and legal status of the respondent No. 1 rendering it answerable in the present writ petition to the purported grievance of the petitioner, this Court examines as to whether the petitioner has been subjected to an unfair, arbitrary and discriminatory treatment that too without any supporting decision from the end of the respondents, in particular the respondents No. 2 to 4, who being the functionaries and administrators of the respondent No.1.

51. From the very tone and tenor of the reply/objections to the writ petition, the respondents are meaning to arrogate themselves as if the matter of grant or non-grant of permission for Langar Organization is a personal fiefdom of the respondents No. 2 to 4. This fact is gatherable from the very averments made in Para (V) under Preliminary Objections where they are meaning to say that an Expression of Interest (EoI) is only an invitation/offer without creating any corresponding legal obligation or contract and is purely discretionary and not enforceable through writ jurisdiction.

52. The respondents in their reply have not asserted or meant to assert that langar organizations are dispensable part of the pilgrimage in the matter of providing food and eatables to the pilgrims for the simple reason that the respondent No. 1 itself does not cater to said services in

favour of the pilgrims and, therefore, the only medium/urgency through which the pilgrims are able to have their daily food service is through langar organizations volunteering their free service.

53. Obviously, the discretion is being a self proclaimed and defined discretion of the respondents No. 2 to 4 under a misplaced assumption and assurance that Article 14 of the Constitution of India does not bind the respondent No. 1 and its functionaries and that they are an exception to the mandate of Article 14 of the Constitution of India which is otherwise that of acting fairly and free from any arbitrariness in the matter of decision making bearing civil consequences as well as effects which in the present case is that of depriving the petitioner and its members from exercising their fundamental right drawn from Article 25 of the Constitution of India in setting up of langar.

54. The Hon'ble Supreme Court of India in the case of **"Ivy C.da.Conceicao Vs State of Goa and others," 2017 AIR(SC) 1834** came to examine the validity of an action/ decision making of a minority educational institution in the selection process in the appointment of its Principal from its faculty of teachers. In para 11, it has come to be observed that it can hardly be disputed that power of judicial review under Article 226 of the Constitution of India is available to go into the question whether action of an aided educational

institution (even a minority institution) is transparent and fair and further holding in paras 14 & 15 that autonomy of a minority institution does not dispense with the requirement to act fairly and in a transparent manner with respect to which the High Court in exercise of its power of judicial review is entitled to examine fairness of selection process and that grievance of a citizen that he was treated unfairly cannot be ignored on the ground that a minority institution has autonomy or right of choice. Exercise of right of choice has to be fair, non-discriminatory and rational.

55. The case and grievance of the petitioner and of its members is exactly the same as are the words of the Hon'ble Supreme Court of India **“Exercise of right of choice has to be fair, non-discriminatory and rational,”** which in the present case is relatable to the respondent No. 1 that its right of choice and selection of langar organizations in excluding the petitioner from becoming this year beneficiary of invitation to participate and earning permission to set up langar is an arbitrary and in opaque manner derived.

56. This Court was given to understand by Mr. Mohsin Qadri, learned Sr. Advocate arguing on behalf of the respondents that because of the security scenario post-Pahalgam incident, the respondent No. 1 came to taper down the list of Langar Organizations to be invited for setting up of langars for 2025 Yatra.

57. This assertion of learned senior counsel arguing for the respondents got fact checked when this court solicited an affidavit from the end of the respondents as to how many last year Langar Organizations came to be repeated with earning of an Expression of Interest (EoI) and how many new Langar Organizations came to be invited.

58. The affidavit which has come forth from the respondents' end states that for this year Shri Amarnath Ji Yatra, 122 Langar Organizations have been permitted by the respondent No. 1 which is the same number as was for the last year Yatra of 2024. This affidavit further discloses that out of 120 last year Langar Organizations, 113 Langar Organizations have been permitted and repeated to set up langars for this year Yatra and nine(9) new Langar Organizations have been invited and permitted for setting up of langars for this year-2025.

59. Out of last year-2024 Shri Amarnath Ji Yatra, nine (9) Langar Organizations have been ousted which of course includes the petitioner as well, but since the petitioner has come forward to challenge its exclusion that is why this writ petition is bearing its adjudication as to whether this exclusion is fair and transparent or is just born out of an *ipse-dixit* of the respondents to which this Court has no hesitation to hold that it is born out of exercise of personal pick and choose policy of the respondents in the face of the

fact that the petitioner suffered no disqualification on account of its last year-2024 langar set up and service and that proof is coming forth from No Objection Certificate (NOC) issued in its favour.

60. Otherwise also, the respondents, at no point of time ever extended the courtesy of apprising the petitioner despite having approached them with the timely representations and e-mails as to this time what for it was not being favoured with issuance of an Expression of Interest (EoI) lest issuance of permission letter.

61. It is only in the reply/objections that the respondents, finding themselves caught on a wrong foot, have come up conjuring a fault theory against the petitioner which does not cut ice with the reason and, therefore, this Court rejects the said stand of the respondents and holds that the petitioner has been victimized arbitrarily at the hands of the respondents who instead being guided and governed by a policy and principle are being led by personal preferences and picks.

62. The cumulative effect of the aforesaid facts and circumstances and appraisal thereof warrants the writ petition to be allowed and, accordingly, the respondents in general and the respondent No. 1 in particular is hereby directed to immediately entertain the pending request of the

petitioner-Bhole Bhandari Charitable Trust for being accorded with permission to set up langar at Panchtarni for this year Shri Amarnath Ji Yatra-2025's remainder of days, notwithstanding only number of days now left relatable to Yatra, so as to vindicate the fundamental and constitutional right of the petitioner and its members that in the matter of serving the Divine and the Devotees, the cause and call of Justice has not failed the petitioner and its members.

63. Needful compliance be done within a period of one week from today.

64. **Disposed of.**

**(Rahul Bharti)**  
**Judge**

**Jammu**  
**22.07.2025**  
Muneesh

Whether the judgment is speaking : **Yes**  
Whether the judgment is reportable: : **Yes**