

Sr. No. 104
Supp. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 5059/2024 in LPA No. 215/2024

M/S Kesar Impex ...Appellant(s)/Petitioner(s)

Through: Mr. Syed Faisal Qadri, Sr. Advocate with
Mr. Syed Mansoor, Advocate

Vs.

Union Territory of J&K and Others ...Respondent(s)

Through: Mr. Ab. Rashid Malik, Sr. AAG with
Mr. Mohd Younis, Assisting Counsel
Mr. Syed Sajad Geelani, Advocate for 6

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

ORDER
21.08.2024

1. This Intra-Court Appeal is directed against an interim order dated 14.08.2024 passed by the learned Single Judge of this Court [the "Writ Court"] in writ petition bearing WP (C) No. 1828/2024 titled "M/S Potential Engineering Vs. Union Territory of J&K and Others."
2. The impugned order has been challenged by the appellant primarily on the ground that, although it appears to be an interim order, it effectively grants the final relief sought in the writ petition.
3. It is argued by Mr. Syed Faisal Qadri, learned senior counsel for the appellant that the impugned order which adversely affects appellant has been passed without appellant being a party respondent in the writ petition. The appellant, it is contended, has been condemned unheard.
4. Heard learned counsel for the parties and perused the material on record.
5. We are of the considered view that impugned order is an interim in nature and subject to objections from the respondents. It is true that appellant herein is not a party respondent in the writ petition though he is adversely affected by the interim order and could be adversely affected from the final order, if any, passed in favour of the writ petitioner.

6. For the aforesaid reason, we are inclined to array the appellant herein as party respondent in the writ petition. Ordered accordingly.
7. We are also of the view that having regard to the nature of the controversy involved in the writ petition, the matter in regard to the interim application/relief needs to be addressed finally at the earliest. This appeal is accordingly disposed of by providing as under: -
- i. That the appellant shall be arrayed as party respondent in the writ petition. The counsel for the petitioner shall file fresh memo of parties before the next date of hearing.
 - ii. The Writ Court is requested to make an endeavor to consider and dispose of the application for interim relief within a period of two weeks from the date it is listed before it.
 - iii. Till the application for interim relief or the writ petition is disposed of whichever is earlier, there shall be status quo with regard to subject matter as it exists today.
 - iv. Let the writ petition come up for consideration before the Writ Court on 28.08.2024.
8. Disposed of.

(MOHAMMAD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
21.08.2024
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