

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

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CJ Court:

LPA No. 270/2025

Karnail Singh, Age 78 years, S/o Major ...Petitioner(s)/Appellant(s)
Singh Singh, R/o H. No. 01, South
Extension, Sector-1/A, Trikuta Nagar,
Jammu.

Mr. Ahtsham Bhat, Advocate

Through:

v/s

1. The U.T of Jammu and Kashmir, ... Respondent(s)
through its Managing Director J&K
Project Construction Corporation
Ltd. Panama Chowk Rail Head
Complex, Jammu.
2. The Financial Controller, J&K
Project Construction Corporation
Ltd. Panama Chowk Rail Head
Complex, Jammu.
3. The Deputy General Manager
(Unit-II) J&K Projects Construction
Corporation Ltd. Panama Chowk
Rail Head Complex, Jammu.

Through:

Mr. Ravinder Gupta, AAG

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

**ORDER
10.11.2025**

1. Heard.
2. **Admit.**

3. Issue post-admission notice. Mr. Ravinder Gupta, AAG, waives post-admission notice on behalf of the respondents.
4. Impugned in this intra-court appeal is an order dated 07.10.2025 passed by the Writ Court in WP(C) No. 2861/2023, whereby the writ petition preferred by the appellant has been dismissed.
5. Being aggrieved by the order dated 07.10.2025, the appellant has challenged the same on the ground, *inter alia*, that the learned Writ Court decided the matter on merits, in the absence of the appellant/writ petitioner, thereby depriving him of an opportunity to present his case.
6. The record reveals that in the writ petition, the appellant had sought the following reliefs:

“Writ petition under Article 226 of the Constitution of India for issuance of an appropriate writ, order or direction, including one in the nature of: *Mandamus*, commanding the respondents to release the total GST interest amount of Rs. 6.55 lakhs in favour of the petitioner in lieu of the pending interest calculated by the State Taxes Officer, Circle-H, Jammu, in respect of the work contracts allotted to the petitioner from September 2017 to March 2018 and onwards.”

7. Upon perusal of the impugned order dated 07.10.2025, it is evident that the learned Writ Court proceeded to decide the writ petition on merits without affording due opportunity of hearing to the writ petitioner-the appellant herein. The Writ

Court ought not to have dismissed the writ petition on merits in the absence of the petitioner; it should either have dismissed the same for non-prosecution or adjourned the matter to another date.

8. In view of the above, we are of the considered opinion that the order dated 07.10.2025 passed by the learned Writ Court dismissing the writ petition on merits in the absence of the appellant is not sustainable in law. Accordingly, the same is set aside, and the matter is remanded to the learned Writ Court for fresh consideration, after affording due opportunity of hearing to the appellant. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. The appeal stands disposed of accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
10.11.2025
Karam Chand

Whether the order is speaking: Yes
Whether the order is reportable: No