

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

**WP(C) 294/2022
CM(791/2022)**

M/S Sidiqi Steel Industry

...Petitioner(s)

Through: Mr. Amir, Advocate vice
Mr. Mian Tufail, Advocate

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Ms. Rekha Wangnool, GA for R- 1 to 3.
Ms. Nadiya Abdullah, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG for R-4 and 5.
Ms. Bisma Ali, Advocate vice
Mr. T.M. Shamsi, DSGI.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

20.08.2025

1. The institution of this writ petition by the petitioner which is an industrial concern come to take place on **21.02.2022** on a purported cause of action upon issuance of a public notice by the Director of Industries and Commerce Kashmir No. DIRC/Dec/532-7/2021/4275 dated **20.12.2021** in terms whereof one time extension lasting up to 30th June, 2022 was envisaged for provisional registration of industrial units in Union Territory of Jammu and Kashmir which were reportedly found to have failed to

commence industrial production within the stipulated time frame in terms of Industrial Policy and Procedural Guidelines in vogue.

2. A time line of fifteen days for furnishing an undertaking attested by a Magistrate was prescribed for the industrial unit holders so as to ensure operationalization of production by the extended time line of 30th June, 2022.

3. The petitioner, on the basis of facts and reasons pleaded in the writ petition, came forward seeking relief of quashment of this public notice to the extent related to it in order to safeguard the leasehold industrial plot vested in it for a period of sixty-five w.e.f. **03.01.2013**, where the occupation of the Security Forces is being mentioned and sought to be vacated from the said occupation.

4. This Court, in terms of an order dated **24.02.2022**, found a *prima facie* case made out by the petitioner and, therefore, stayed the operation of the impugned Public Notice meaning thereby with respect to the petitioner the dead line otherwise envisaged for operationalising of the industrial unit ceased to carry effect.

5. It is now more than three years plus in running in the course of which this Court is not aware as to whether the petitioner is still being handicapped that the leasehold industrial plot held by it meant for the purpose of setting up an industrial unit is still in the state of occupation of the Security Forces or is free from the said occupation and available at the disposal of the petitioner to put up the requisite industry.

6. The essence of the Public Notice by reference to the Industrial Policy and Procedural Guidelines was to ensure that the public assets in the form of industrial plots/ sites do not suffer wastage just by staying as it is without being put to the industrial use so as to play its role in the industrial development of the Union Territory of Jammu and Kashmir.

7. An industrial plot *per se* is not meant to be an immovable property to be counted as an asset by the petitioner without the corresponding obligation being carried out of by setting up intended industrial unit for which the industrial plot is otherwise leased to the petitioner.

8. However, post submission of reply by the respondent No. 2-Director Industries and Commerce, Kashmir, Srinagar, a development has come to take

place which squarely takes concern of the petitioner in the sense that the occupation of the leased industrial plot related to the petitioner has come to be fully vacated and the petitioner's representative through whom the present writ petition has been preferred by Mr. Manzoor Ahmad Sidiqi, by his receipt dated **19.12.2024** has admitted taking over possession of the leased industrial plot from 75 Bn. CRPF and that means from **29.12.2024** the petitioner is now in total control and charge of the industrial plot whereupon the requisite industrial activity is supposed to commence.

9. Accordingly, this Court leaves to the discretion of the respondent No. 2-Director Industries and Commerce, Kashmir, Srinagar to prescribe any fresh time line with respect to the petitioner in spirit of the objective of the impugned public notice dated **20.12.2021**, whereupon the petitioner shall act in compliance thereto.

10. This writ petition is accordingly **disposed of** in the light of the aforesaid directions.

(RAHUL BHARTI)
JUDGE

SRINAGAR:

20.08.2025

"Mir Arif"