

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

LPA No.119/2025 in [WP(C) No.1211/2025] CM No.3451/2025

ARIF JAN QADRI

...Petitioner/Appellant(s)

Through: Mr. Malik Fahdul Haq, Advocate.

Vs.

UNION TERRITORY OF J&K AND ORS.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG
Mr. Faizan Ahmad Ganie, Advocate

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

O R D E R (ORAL)

08.07.2025

1. This intra Court appeal is directed against an interim order dated 27.05.2025 passed by the learned Single Judge of this Court (Writ Court) in WP(C) No.1211/2025 titled as *Iftekhhar Ahmad Jan and Anr. Vs. UT of J&K and Ors.*, whereby the writ Court has while issuing notice to the respondents for filing objections also provided by way of interim order that the respondents including the Srinagar Municipal Corporation shall not create any impediment to the petitioners in raising construction of commercial complex, the subject matter of the writ petition. The appellant claims to be a neighbour and aggrieved of the interim order passed by the writ Court whereby the respondent Nos. 7 and 8 have been permitted to raise construction without any building permission.
2. Having heard the learned counsel for the parties and perused the record, we are of the considered opinion that the writ Court could not

have, by way of an interim order permitted the respondent Nos. 7 and 8 to raise the construction being aware that so called revised plan submitted by the respondents was yet to be considered and approved by the Srinagar Municipal Corporation. The writ Court has, in terms of the order impugned, virtually decided the entire writ petition. It is true that this Court while disposing of the LPA No.234/2024 filed by the appellant had given time lines to the Srinagar Municipal Corporation to consider the revised building plan submitted by respondent Nos. 7 and 8 after completing all the requisite formalities. Although the order on the revised building plan submitted by respondent Nos. 7 and 8 was to be passed by the Srinagar Municipal Corporation/Building Operation Controlling Authority within 60 days from the date of the judgement, yet the same has not been done even as on date.

3. Mr. Gulzar Ahmad Dar, Joint Commissioner, SMC, appearing in person submits that the judgement of the Division Bench dated 21.10.2024 could not be complied with as the respondent Nos. 7 and 8 were supposed to submit the revised building plan online on their portal which they failed to do despite having been informed in this regard.
4. Be that as it may, it is for the respondent Nos. 7 and 8 to take a call and submit a revised building plan online. In case such a revised building plan is submitted, the same shall be considered by the Srinagar Municipal Corporation in terms of the judgement dated 21.10.2024 within the time line as prescribed.
5. Be that as it may, fact remains that the impugned order passed by the writ Court is not sustainable in law. Therefore, the appeal is allowed

and impugned interim order dated 27.05.2025 is set-aside. The writ Court may proceed and dispose of the petition on merits.

6. Disposed of.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
08.07.2025
Ishaq

Whether the judgement is speaking ? No

Whether the judgement is reportable ? No

