

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

**WP(C) No. 1578/2025
CM No. 4021/2025**

1. **Taxi Operators and Owners** **...Petitioner(s)**
Cooperative Union Kargil

Through its President:

Ghulam Nabi

S/o Haji Hussain

R/o Chortanchan Hagnis, Kargil

Age: 60 years

Union Territory of Ladakh

Pin Code: 194109

2. **Kargil Bus Operators**
Cooperative Association

Through its President:

Ghulam Hussain

S/O Mohd. Raza

R/o Yokma Koron Gund,
Mangalpore Kargil

Age: 61 years

Union Territory of Ladakh

Pin Code: 194105

Through: Mr. Mustafa Haji, Advocate
(Through Virtual Mode)

Vs.

1. **Union Territory of Ladakh through** **...Respondent(s)**
its Chief Secretary Civil Secretariat,
Leh: 194101
2. Deputy Commissioner Kargil/ Chief
Executive Officer Ladakh
Autonomous Hill Development
Counsel Kargil: 194103.

3. Executive Officer, Municipal Committee, Kargil: 194103.
4. Executive Engineer, PW (R&B), Division, Kargil: 194103.

Through: Mr. T. M. Shamsi, DSGI with
Mr. Faizan Ahmad Ganai, CGC.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

JUDGMENT (ORAL)

01. Through the medium of the instant petition, filed under the provisions of Article 226 of the Constitution of India, the petitioners, who claim to be the Presidents of Taxi Operators and Owners Cooperative Union Kargil and Kargil Bus Operators Cooperative Association respectively, have assailed order dated 5th June, 2025, whereby they have been directed to immediately clear/ dismantle the unauthorized structures, if any, within the premises of the concerned Big Bus Stand/Mini Bus Stand/Tata Mobile Stand, Taxi Stand etc. which, according to the respondents fall within the alignment of the construction work of link road etc. as intimated by the Executive Engineer, PW (R&B), Division Kargil, for executing the said works, without any hindrance.

02. The matter was listed before this Court on 8th July, 2025, on which date, while issuing notice to the respondents,

the learned counsel representing the respondents was directed to have instructions in the matter, as the Court was *prima facie* of the view that order impugned lacked specific details regarding unauthorized structure sought to be demolished. In absence of specific details of unauthorized structures, the petitioners are unable to implement the aforesaid order, as they are not aware as to which structure is required to be dismantled/ removed.

03. The learned counsel for the petitioners contended that the impugned order is arbitrary, vague and has been issued without due application of mind, as it does not specify the structures, which fall within the realm of illegal structures. Furthermore, it has been contended that no prior notice or intimation was given to the petitioners, who claim to be in lawful possession of the premises in question based on allotments made by the respondents, against which they are paying annual fee.

04. It is further submitted that the construction of a new link road adjacent to the main road, where the present transport stands are situated, would be of little utility and would only result in the shrinking of already congested space, thereby displacing the petitioners and affecting thousands of commuters, who rely on the said location due to its proximity to the main market of Kargil. It is the further case of the

petitioners that the stand as on date, accommodates the Taxis, Tata Mobiles, Buses and Mazdas and together these feed the families of hundreds of the people, who are dependent on them and the current location is feasible for thousands of the people coming from Kargil and elsewhere, who get down and board these vehicles at the place in question and in a way affect the common people who do not have any other mode of transportation, other than these vehicles.

05. It is also pleaded that the impugned demolition order was passed without issuing a show cause notice to the petitioners and without granting them an opportunity of being heard, thereby violating principles of natural justice. On this count also, the order impugned cannot sustain the test of law and is liable to be quashed.

06. The petitioners have also questioned the basis of the alleged unauthorized status of the structures, asserting that these were erected with the prior knowledge and consultation of the respondents, pursuant to proper allotments and annual fee payments. On this ground also, the impugned order, being non-speaking and lacking reasons, is not sustainable in the eyes of law and liable to be set aside.

07. By virtue of order dated 8th July, 2025, this Court directed Mr. T. M. Shamsi, learned Deputy Solicitor General of

India, to have instructions in the matter, as to which structures fall within the realm of unauthorized constructions, sought to be demolished/dismantled through the medium of the impugned order of demolition. Mr. Shamsi, learned Deputy Solicitor General of India, however, could not satisfy the Court on this aspect and agreed that the impugned order lacks necessary particulars. He, however, submitted that the respondents propose to demolish only those structures which are coming in the alignment of the proposed link road and that such structures have already been earmarked.

08. Heard learned counsel for the parties at length and perused the material on record.

09. From a bare perusal of the impugned demolition order dated 5th June, 2025, issued by the Executive Officer, Municipal Committee, Kargil, it transpires that the petitioners have been directed to clear unauthorized structures/trees falling within the alignment of the proposed construction *“Link Road from Fatima Chowk to Iqbal Bridge Road along the riverbank, including seating/viewing decks at intervals.”*

10. The said order directs immediate dismantling of structures within the premises of concerned Big Bus Stand/Mini Bus Stand/Tata Mobile Stand, Taxi Stand etc. allegedly impeding the proposed development work. This

Court finds merit in the contention of the petitioners that the impugned order fails to specify the exact structures which according to the respondents are unauthorized. It was incumbent upon the respondents to provide such details or, at the very least, supply the report of the Executive Engineer, PW(R&B) Division, Kargil, which formed the basis for passing of the impugned order.

11. The absence of specific details renders the impugned order vague, ambiguous, and incapable of being implemented. It reflects lack of due application of mind and fails to meet the minimum threshold required under law for such consequential directions involving demolition and possible displacement.

12. Accordingly, for the reasons aforesaid, the writ petition is **allowed**, and the impugned order dated 5th June, 2025, passed by the Executive Officer, Municipal Committee, Kargil, is **quashed**. It is, however, made clear that this Court has not expressed any opinion on the merits of the claims of either party. The respondents are at liberty to initiate appropriate proceedings, including issuance of a show cause notice to the petitioners, specifically indicating the structures alleged to be unauthorized, if any, falling in the alignment of the proposed construction i.e. *“Link Road from Fatima Chowk to Iqbal Bridge Road along the riverbank, including*

seating/viewing decks at intervals.” Any action, if warranted, shall be taken after following due process of law and after affording the petitioners a reasonable opportunity of being heard and filing a response to the show cause notice.

13. The writ petition, along with connected miscellaneous applications, stands **disposed of** on the above terms.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:
11.07.2025
“HAMID”

- ❖ Whether the judgment is Reportable? Yes/No.
- ❖ Whether the judgment is Speaking? Yes/No.

