

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

OWP No. 1594/2015

**The Traders of Fruit and Sabzi
Mandi**

...Petitioner(s)

Through: None

Vs

State of JK and Ors.

...Respondent(s)

Through: Mr. Mohammad Younis, Assisting Counsel vice
Mr. A. R. Malik, Sr. AAG.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER
28.08.2025

Oral:

01. The present writ petition came to be maintained in the name of “**The Traders of Fruit and Sabzi Mandi, Ashajipora, Anantnag**” through Abdul Rashid Wagay pro-claiming himself to be the president.

02. The institution of the writ petition was sought in a representative capacity. Accordingly, in terms of an order **8th September, 2015**, leave came to be granted for maintenance of the present writ petition in a representative capacity with corresponding issuance of the general notice for general public with respect to filing of the writ petition in a representative capacity. Notices to said effect came to be published in two daily

Newspapers viz. **“Rising Kashmir”** and **“Kashmir Observer”** respectively on **15th September, 2015**.

03. The petitioner is registered as society under J&K Societies Registration Act, 1941 bearing **Registration No. 4054-S of 2002 dated 12th August, 2002**.

However, the rules and regulations of the petitioner as a society are missing in terms of mention in the writ petition as well as reference by document as annexure with the writ petition, thus, leaving it to be a bare claim that Abdul Rashid Wagay is its president and later on one Sajad Ahmad Wagay son of Abdul Rashid Wagay coming forward to represent the petitioner as being its president.

04. The purported cause of action for the institution of writ petition was when a new premises came to be developed to serve as Fruit and Vegetable Market at Batengoo, Anantnag for enabling the shifting of the then long existing Fruit and Vegetable Mandi located at Ashajipora on ADV Road which with the passage of time was proving to be a public nuisance and hassle for the District Administration.

05. The old Fruit Mandi Complex at Ashajipora *per se* was not a properly earmarked and planned

space/premises for conducting fruit and vegetable wholesale/retail business but by default had come up so which with the passage of time with the expansion of Anantnag town came to be a cause of recurring nuisance thereby constraining the District Administration to contemplate its shifting to a better and spacious location with properly constructed and provided facilities like shops, platforms, toilets, macadamized internal roads and offices etc and that is how new Fruit and Vegetable Mandi Batengoo encompassing an area of 42.7 kanals with all the requisite infrastructure came up on old Anantnag Bijbehara Srinagar Highway making it as a more convenient and decongested premises due to shifting of National Highway to new National Highway-44.

06. In order to resist the dislocation and shifting, the institution of present writ petition OWP No. 1594/2015 came to take place.

07. In fact in para-2 of the writ petition, it is self stated that how the old Fruit and Vegetable Mandi/Market at Ashajipora came to take shape.

08. By the same logic, the shifting of the existing Fruit and Vegetable Mandi from Ashajipora to

Batengoo was conceived by the respondents, in particular, the PWD (R&B), Division Anantnag and to that extent the petitioner or for that matter its members cannot be heard to object it.

07. The new premises of Fruit and Vegetable Mandi at Batengoo came up fully with all the shops constructed and that required shifting of the existing Fruit and Vegetable dealers /merchants from Ashajipora Fruit and Vegetable Market.

08. From the tone and tenor of the writ petition, it is not forthcoming as to what is the actual individual grievance of the so called members of the petitioner-society. The petitioner, as a society, cannot be heard to have the monopoly of decision making to be overbearing upon the government and the District Administration with respect to relocation of Fruit and Vegetable Market in District Anantnag.

08. In para-2 of the writ petition, there is an averment that before the Fruit and Vegetable Market at Ashajipora came to be set up by the Government/District Administration, the business was being done by the fruit and vegetable vendors/merchants/dealers in their respective shops

in the main market Anantnag from where they came to be shifted to Fruit Mandi Ashajipora. If at that point of time the shifting was not objected to or questioned, then by same standard, the shifting of Ashajipora Fruit and Vegetable Market to New Fruit and Vegetable Market, Batengoo cannot admit of any objections be it from the petitioner or its members collectively/individually.

09. The petitioner as a society viz-a-viz General Public cannot have its smaller interest over ride the larger interest of the General Public and for that the general District Administration's effort in ensuring smooth conduct of civic life in the town of Anantnag relatable to the Fruit and Vegetable Market site and location is an essential part.

10. The only caveat which the petitioner or for that matter its members can be heard to lodge and register for the notice of the District Administration is that at the new Fruit and Vegetable Market, Batengoo, there shall be no denial of shop space to the existing shop holders by reference to Fruit and Vegetable Market, Ashajipora and to that extent this court would reserve a liberty in favour of any individual member to come

up with an individual writ petition with a grievance that he or she has not been accompanied with allotment of a shop in new Fruit and Vegetable Market, Batengoo by the respondents by the reference of claim of he or she being an existent shop keeper/holder in old Fruit and Vegetable Ashajipora which is meant to be displaced from its existence.

10. In the light of aforesaid, this writ petition is **disposed of** with liberty reserved in favour of the respondents to take and resort to appropriate action for the purpose of seeking the eviction of the occupants of the shops/sites in and from the old Fruit and Vegetable Market, Ashajipora which may include appropriate forcible eviction from the place.

11. Disposed of.

(RAHUL BHARTI)
JUDGE

SRINAGAR
28.08.2025
"Shamim Dar"

