

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

WP (C) 1941/2025 CM 5137/2025

SHABNAM NOOR TH. FAYAZ AHMAD ...Petitioner(s)/appellant(s)
WANI

Through: Mr. Mehraj-ud-Din Bhat, Advocate

Vs.

J&K SPECIAL TRIBUNAL & Ors. ...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

13.08.2025

1. Mr. Bikramdeep Singh, learned Dy. AG, appears and accepts notice on behalf of the respondents 3 to 7. There was no need to array respondents 1 & 2 as party respondents in the case.
2. Heard learned counsel for the parties present.
3. The case of the petitioner before this Court is that, aggrieved by a modified building permission bearing order No. SMC/2025/3297 dated 21.04.2025, issued by the respondents/SMC Srinagar, he assailed the same through the medium of a revision petition before the Jammu & Kashmir Special Tribunal, which is pending disposal. That the learned Special Tribunal, vide order dated 28.07.2025 which is impugned herein, fixed the revision petition for arguments on its maintainability and, upon hearing the matter on the subsequent date of hearing i.e. 06.08.2025, same was again adjourned and listed for arguments on maintainability to be taken up on 04.09.2025.
4. It is prayed in the petition that the learned Jammu & Kashmir Special Tribunal be directed to hear the revision petition expeditiously and,

pending disposal of the same, to consider passing of some interim order so that his case is not rendered infructuous by the completion of the building in pursuance of the impugned building permission.

5. Learned counsel for the respondents 3 to 7, Mr. Bikramdeep Singh, learned Dy. AG, submitted that the instant petition is not maintainable as there appears to be no illegality or impropriety in the orders dated 28.07.2025 and 06.08.2025 of the learned Special Tribunal. He further submitted that the learned Special Tribunal has rightly raised objections as to the maintainability of the revision petition and accordingly listed the matter for arguments viz-a-viz on the said issue. The learned counsel also submitted that the modified building permission impugned in the revision petition before the learned Special Tribunal does not suffer from any illegality or incorrectness.
6. Since the instant petition has been filed with the prayer for directing the learned Jammu & Kashmir Special Tribunal to decide the pending revision petition expeditiously and, pending disposal of the same, to consider passing of an interim order so as to prevent the matter from being rendered infructuous, as such, in the opinion of the Court, the matter can be disposed of at this stage without notice to the private respondents 8 & 9, by passing of such appropriate orders which are not likely to cause prejudice to any of the parties.
7. Accordingly, the matter is taken up for final disposal and is accordingly disposed of at this threshold stage with the direction to the respondents learned Jammu & Kashmir Special Tribunal, to address the revision petition of the petitioner in an expeditious manner and, pending disposal of the same, to consider the grant of any interim relief in accordance with law, preferably within a period of 10 days from the

date a copy of this order is furnished to the Registrar of the learned Tribunal.

8. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
13.08.2025
ARIF

