

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

**WP(C) 2289/2021  
CM (2512/2025)  
CM (4913/2023)  
CM (6874/2024)  
CM (7387/2021)**

**Mohammad Amin Shah & Anr.**

**...Petitioner(s)**

Through: Mr. Mohammad Iqbal Dar, Advocate with  
Ms. Sana Imam, Advocate.

**Vs.**

**Union Territory of J&K and Others.**

**...Respondent(s)**

Through: Mr. Faheem Nisar Shah, GA.

**CORAM:**

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

**ORDER**

21.05.2025

01. The instant writ petition has been filed by the petitioners, thereby calling in question the impugned communication No. 458/OQ/TQ dated 27<sup>th</sup> September, 2021, forming Annexure-I to the instant writ petition, besides have sought a writ in the nature of mandamus, to forbear the respondents from proceeding to seal the shops of the petitioners on account of outstanding rent for the period 2014-21, which as per the petitioners has been deposited against proper receipts.

02. Mr. Mohammad Iqbal Dar, learned counsel appearing on behalf of the petitioner submits that insofar as issue of payment of rent is concerned, that has already been

clinched in the light of the fact that the rent which was payable by the petitioners, has already been deposited and receipts to that extent have also been placed on record by the petitioners with the application bearing CM No. 2512/2025 as Annexure-I thereto.

03. The petitioners have preferred the instant application (CM No. 2512/2025) for seeking a direction to restrain the respondents from disturbing the petitioner's possession of the two shops till the commencement of the renovation work and further directing restoration of possession to the petitioners after completion of renovation.

04. In the instant application, the Court vide order dated 19<sup>th</sup> May, 2025 has called upon the learned counsel for the respondents to render assistance in the matter.

05. At this stage, Mr. Mohammad Iqbal Dar, learned counsel for the petitioners submits that the instant application has been preferred in pursuance to the issuance of communication issued by the Executive Engineer PWD (R&B) Division Qazigund, dated 15<sup>th</sup> April, 2025, a perusal whereof reveals that the concerned Executive Engineer has submitted Detailed Project Report for authorization/accord under "Revivals, Restoration, Preservation and Maintenance of Architectural Heritage" and accordingly, the below mentioned DPRs have been forwarded for further necessary action at the end of the Superintending Engineer PW R&B, Circle Anantnag. For facility of reference the same is reproduced as under:

| S. No. | Name of Project/Road                                                                                                                                   | Amounts<br>in Lakhs |
|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 1.     | Construction/Repairment of Ganesh Temple at Village Check-i-Rajwali, Anantnag.                                                                         | Rs. 344.00          |
| 2.     | Construction/Repairment of Shiv Temple at Village Levdoora, Qazigund.                                                                                  | Rs. 342.38          |
| 3.     | Construction/Repairment of Shiv Temple at main market Qazigund under Revivals, Restoration, Preservation and Maintenance of Architecture and Heritage. | Rs. 222.33          |

06. Today, when the instant application was taken up for consideration, Mr. Faheem Nisar Shah, learned Government Advocate submits that the impugned proposal under No. 223-25 dated 15<sup>th</sup> April, 2025 is a Detailed Projected Report (DPR) for authorization under “Revival, Restoration, Preservation and Maintenance of Architecture and Heritage” and the said Scheme does not include the renovation and revival of any structure other than having a heritage value, as such, the renovation of the shops, the subject matter of the writ petition, has not been included in the abstract of the Detailed Project Report.

07. The learned counsel for the respondents has produced copy of abstract of Detailed Project Report, copy of which has been provided to the Court, which is taken on record.

08. From a bare perusal of the abstract of the Detailed Project Report, it is emphatically clear that the same pertains to renovation and revival of Shiv Temple at main market Qazigund, Anantnag and the details of revival, restoration,

preservation and maintenance of architecture and heritage of the Shiv Temple, have also been specified item wise and it does not reflect that any renovation is being carried for the shops in question, as has been projected by the petitioners.

09. Thus, the grievance projected by the petitioners is a figment of their own imagination and is not borne from the record as per the learned counsel for the respondents.

10. Since no cause of action as on date has accrued to the petitioners, thus, the filing of the instant application for seeking a restraint order against the respondents from disturbing the possession of the petitioners, is ill founded, as no cause of action has accrued to the petitioners as on date to file such application or to seek relief to that extent.

11. In view of the above, the application bearing CM No. 2512/2025 is disposed of in the light of the stand taken by the respondents.

12. Since in the main matter, the issue which has been projected pertains to the payment of rent, which according to the petitioners has been paid in *toto* and nothing remains outstanding as on date. Thus, no fruitful purpose would be achieved by keeping this petition pending, as the grievance projected in the instant petition with regard to the payment of the rent, also stands redressed.

13. Accordingly, the instant writ petition does not survive and the same is disposed of in the light of the stand

taken by the respondents that they have not initiated any process to disturb the petitioners from the possession of two shops for the purpose of renovating the same, which the petitioners are occupying for the last more than two decades.

14. Before parting, it is made clear that in case the petitioners owe any rent to the respondents as on date, the same shall be paid within a period of two weeks from today and the petitioners have also assured that they will pay the rent regularly in future also. It is also made clear that in case the rent is not paid by the petitioners regularly, then the respondents shall be at liberty to proceed against them in accordance with law.

15. Writ petition ***disposed of*** along with connected applications, in the manner as indicate above.

**SRINAGAR:**  
**21.05.2025**  
"HAMID"

**(Wasim Sadiq Nargal)**  
**Judge**

