

Serial No. 6
Regular Cause list

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

CM No. 8104/2024 in
LPA No. 349/2024

M/S National Bus and Sumo Stand Transport Workers Qazigund and Ors.

..... Appellant/petitioner(s)

Through: -
Mr. Rizwan, Advocate

V/s

M/s Syed Noor Shah Sumo Stand and Ors.

..... Respondent(s)

Through: -
Ms. Sana Imam, Advocate vice Mr. Mohammad Iqbal Dar, Advocate for R1-3

CORAM:

**HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE**

(ORDER)
26.05.2025

CM No. 8104/2024

The application for the reasons stated therein is allowed and leave to file the appeal is granted on the ground that the appellants are the persons adversely effected by the impugned Judgment.

CM disposed of.

LPA No. 349/2024

Impugned in this appeal filed by the appellants under clause 12 of the Letters Patent is an order and Judgment dated 14.11.2022, passed by the learned Single Judge of this Court [“the writ Court”] in OWP No. 2494/2022 titled *M/s Noor Shah Sumo Stand and others vs. UT of J&K and others* whereby, the writ Court has disposed of the writ petition filed by the private

respondents herein, with a direction to the official respondents not to take any adverse action of converting the Bus Stand into Sumo Stand as agitated by the private respondents in the writ petition, except in due course of law and without affording opportunity of hearing to the private respondents.

Briefly put the facts leading to filing of this intra Court appeal are that there is a tug of war seemingly going on between the appellants herein, and the private respondents with regard to operation of a Sumo Stand. The grievance of the private respondents in the writ petition was that there were some blue eyed and influential persons, who were hell bent upon to convert the National Bus Stand, Qazigund, Anantnag into a Sumo Stand, which is not permissible. The reference to blue eyed and influential persons is obviously to the appellants before us. There should be no doubt that a decision as to which place should be used as a Bus Stand and which place should be used as Sumo Stand is a decision that is required to be taken by the official respondents. It is only for the official respondents to permit a particular Union with identified number of vehicles to use a particular Stand as a Bus Stand or a Sumo Stand, as the case may be. It is in this background, the writ Court without determining the issue raised in the writ petition, directed the respondents not to take any adverse action of converting the Bus Stand into Sumo Stand as agitated by the private respondents in the writ petition, except in due course of law and without affording opportunity of hearing to the private respondents.

Ordinarily, no fault could have been found with the nature of direction passed by the writ Court, however, with a view to serve the interest of justice, we are of the considered opinion that this opportunity of hearing is

also required to be given to the appellants herein, as also to other stakeholders in the matter.

This appeal, is accordingly, disposed of with a direction to the official respondents to determine the dispute as it exists between the appellants and the private respondents with regard to use of National Bus Stand, Qazigund Anantnag for parking of Sumo and Taxis, as is claimed by both the sides. The competent authority shall hear the appellants as well as the respondents as also the other stakeholders and shall pass formal orders, settling the dispute once for all. Let this exercise be conducted by the competent authority within a period of six weeks from the date copy of this order is served upon them. We make it clear that pendency of any suit *inter se* the parties before any Court subordinate to this Court and the interim order if any passed therein shall not be an impediment to take a decision as directed above.

Disposed of along with connected CM(s).

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
26.05.2025
"Mohammad Yasin Dar"