

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

**WP(C) 3198/2025
CM(8596/2025)**

Abdul Rashid Khan.

...Petitioner(s)

Through: Mr. Mukhtar Ahmad Makroo, Advocate.

Vs.

Union Territory of J&K and Ors

...Respondent(s)

Through: Mr. Furqan Sofi, Government Advocate.

CORAM:

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

ORDER

20.12.2025

01. The instant petition is a second round of litigation.

The petitioner had earlier preferred a writ petition before this Court, registered as WP(C) No. 973/2025 which, with the consent of the learned counsel for the parties was disposed of by directing the District Mineral Officer, Geology and Mining Department to accord consideration to the case of the petitioner strictly in accordance with the rules and as per the law within a period of six weeks from the date a copy of the said order along with writ petition and annexures were made available to the said respondent.

02. Before parting with the aforesaid order, it was made clear that while according consideration to the case of the petitioner, the respondent No. 3 shall accord

due weightage to the recommendation made in terms of communication dated 19th of November, 2024 and the entire exercise was required to be completed within the aforesaid period.

03. In compliance with the aforesaid order, the learned counsel for the petitioner fairly submits that the Department of Geology and Mining through the District Mineral Officer issued an order dated 06th of November, 2025 whereby a disposal permit was granted in favour of the petitioner, subject to fulfilment of certain terms and conditions mentioned therein. The period stipulated in the said order has since expired.

04. Learned counsel for the petitioner further submits that thereafter the petitioner applied for a fresh disposal permit strictly in consonance with the rules before the appropriate authority, after depositing the requisite fee. However, till date, the said application has not been considered by the respondents.

05. It is contended that the application is not being considered perhaps on account of the filing of another writ petition by Abdul Ahad Mir and others, registered as WP(C) No. 2854/2025, filed in a representative capacity, wherein the Deputy Commissioner, Kupwara, has been directed to file a status report. Learned counsel submits that no restraint order has been

passed by this Court in the said writ petition, and that merely on account of the pendency of the said petition, the respondents are sitting over the petitioner's application without taking any decision, which has constrained the petitioner to approach this Court again.

06. After arguing for a while, the learned counsel for the petitioner submits that the instant petition can be disposed of at the threshold by directing the District Mineral Officer to accord due consideration to the application which has been preferred by the petitioner in consonance with rules after fulfilling all the requisite formalities.

07. Heard learned counsel for the petitioner. On the asking of the Court Mr. Furqan Sofi, learned Government Advocate has caused appearance on behalf of the respondents. Learned counsel for the respondents is not averse to the disposal of the instant petition provided the consideration is directed to be accorded strictly in accordance with the rules and as per law.

08. With the consent of the learned counsel for the parties, the Court is of the view that no fruitful purpose would be served by keeping this petition alive

particularly when an innocuous prayer has been made by the petitioner.

09. Accordingly, the writ petition is *disposed* of by directing the respondent No. 5 to accord due consideration to the application submitted by the petitioner strictly under the rules and as per law within a period of four weeks from the date a copy of this order along with the writ petition and annexures are made available to the said respondent provided there is no other legal impediment.

10. The writ petition is ***disposed*** of in the manner indicated above.

SRINAGAR:

20.12.2025

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