

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

**WP(C) 3302/2025
CM(8865/2025)**

Saira Rasool Malik.

...Petitioner(s)

Through: Mr. Bhat Fayaz Ahmad, Advocate.

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

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

ORDER

27.12.2025

01. The petitioner through the medium of the instant petition has called in question the show cause notice dated 13th December, 2025 issued by the Deputy Director Estates, Kashmir, in terms of sub section 1 of Section 4 of Jammu and Kashmir Public Premises Eviction of Un-authorized Occupants Act, 1988, by virtue of which the petitioner has been called upon to show cause on or before 20th December, 2025 as to why the order of eviction may not be passed against the petitioner.

02. The learned counsel for the petitioner submits that in pursuance to the impugned show cause notice, detailed reply has already been submitted by the petitioner, although no date has been reflected in the reply, but the same has been placed on record along with the instant petition, which till date has not been accorded due consideration. It is further submitted that the respondents are contemplating to evict the petitioner and feeling aggrieved of the inaction on the part of

the respondents, the petitioner has preferred the instant writ petition challenging the impugned show cause notice.

03. The petitioner has preferred the instant writ petition against the impugned show cause notice, which is premature as the petitioner without waiting for the outcome of said show cause notice, has rushed to this Court challenging the aforesaid show cause notice through the medium of the instant writ petition.

04. *Prima facie* this Court is of the view that this writ petition is premature. Even otherwise also, the petitioner has alternate efficacious remedy of filing an appeal under the Act of 1988, against the order of Estate Officer made in respect of any public premises under Section 5 or Section 7 or Section 8 or Section 10 to any Appellate Officer.

05. Admittedly, as on date, no adverse order has been issued, effecting the rights of the petitioner and instead the petitioner has rushed to this Court against the show cause notice and on that count, the writ petition is liable to be dismissed being premature.

06. The learned counsel appearing on behalf of the petitioner submits that he would feel satisfied in case the present writ petition is disposed of at this stage with a direction to the respondent No. 3-Deputy Director Estates, Kashmir, Srinagar to accord due consideration to the reply filed by the petitioner in pursuance to the impugned show cause notice, within some reasonable time period.

07. On the asking of the Court, Mr. Faheem Nisar Shah, learned Government Advocate enters appearance on behalf of respondents and is not averse to the proposal so made by the learned counsel for the petitioner. However, he submits that

the reply so submitted by the petitioner to the show cause notice, would be considered in accordance with the rules and as per law occupying the field.

08. *Heard learned counsel for the parties at length and perused the material on record.*

09. Since an innocuous prayer has been made by the learned counsel for the petitioner, as such, without commenting upon the maintainability or the merits of the instant writ petition, the same is taken up for final disposal at this stage with the consent of the learned counsel for the parties. Accordingly, the instant writ petition is disposed of with a direction to the respondent No. 3-Deputy Director Estates, Kashmir, Srinagar, to accord due consideration to the reply so submitted by the petitioner to the impugned show cause notice, within a period of three weeks from today, strictly in conformity with the rules and as per law. Till the decision is taken by the competent authority i.e. respondent No. 3, status quo as it exists today shall be maintained and continuance of the same shall be subject to the outcome of the decision which is likely to be taken by the respondent No. 3, of course, after giving an opportunity of hearing to the petitioner.

10. Needless to say, in case the order of consideration to be passed by the respondent No. 3 goes against the petitioner, the petitioner shall be at liberty to challenge the same by way of appropriate remedy, if so advised.

11. Writ petition *disposed of* along with connected application(s) in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

27.12.2025

"HAMID"