

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

WP(C) 98/2025 CM (218/2025)

Shabir Ahmad Wanchoo

...Petitioner(s)/Appellant(s).

Through: Mr. M.S. Reshi, Advocate with
Ms Uzma Amin, Advocate

Vs.

Union Territory of J and K and

Ors

...Respondent(s).

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

03.04.2026

1. Heard the learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner is that after his displacement from his shop at Magam which came into road widening, he pursued the matter with the respondents but also approached the then Hon'ble MLA Habakadal Constituency projecting his grievance. That the Executive Engineer concerned in pursuance of the recommendations made by the then Hon'ble MLA and in response to the communication dated 27.07.2011 issued by the Superintending Engineer concerned intimated that one shop is vacant at Malik Angan Fateh Kadal since long and accordingly recommended the allotment of the said shop in his favour so that his source of livelihood is restored. That after consideration of his case he was allotted a shop at Malik Angan Fateh Kadal in the year 2001 and since then he has been running his business in the said shop in the name and style of "Nayeem Traders". That however due to devastating floods in the year 2014, his shop got damaged and remained submerged in the flooded waters. That after conducting an enquiry and considering the report of the filed agency, the Tehsildar South Srinagar vide his report dated March, 2015, reported that shops/business units from S.No. 1 to 98 mentioned in the list prepared by him and placed on the copy of the

petition, have remained submerged during floods of 2014. That he stood figured at S.No. 59 in the said list that he was accordingly paid compensation of Rs. 25,000/- in terms of cheque bearing No. 124385 dated: 17.07.2015. That the shop from which he was displaced at Magam was the only source of his livelihood. That he was allotted a shop at Magam in the year 2011 only on the basis of his continuous possession and occupation of the shop at Magam which came under road widening. That, however, unfortunately, respondent No. 4 while considering his representation pursuant to the directions of this Court dated 12.08.2024 passed on an earlier petition took a different view while giving credence to a report which was not based on correct and true facts. That the impugned consideration order dated 06.11.2024 is not only bad in law but also full of surmises and conjectures which renders the same liable to be set aside. That respondents are under an obligation to regularize his allotment with respect to the shop at Malik Angan Fateh Kadal which was allotted to him in the year 2011 and in which he has been running his business under the name and style of Nayeem Traders for earning his livelihood. That he shall suffer an irreparable loss in case the allotment of the shop is not regularized in his favour.

3. The petitioner has accordingly sought for issuance of writs/directions in the nature of certiorari for quashing and setting aside the impugned consideration order bearing No. 4 of 2024 dated 06.11.2024 passed by the respondent No. 4 whereunder his representation pursuant to the directions of this Court dated 12.08.2024 passed in an earlier petition bearing No. OWP 1816/2018 and in the nature of mandamus by directing the respondents to regularize the allotment of the shop at Malik Angan Fateh Kadal, in his favour as the same stands allotted to him in the year 2011 since which time he has been in use and possession of the said shop being the only source of his livelihood.

4. In the facts and circumstances of the case, the instant writ petition is disposed of with the direction to the respondents to reconsider the representation of the petitioner for his rehabilitation by way of regularizing the allotment of the shop allotted and occupied by him at

Malik Angan Fateh Kadal Srinagar so that his source of livelihood is not affected. The respondent shall make the consideration as directed within a period of four weeks of the submission of the status report to the Registry of this Court within a period of six weeks by which date the parties shall maintain status-quo with respect to the subject matter of the shop.

5. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
03.04.2026
Shahid Manzoor

