

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

WP(C) 139/2026 CM(285/2026)

MUBASHIR ASHRAF MATTOO

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

Through: Mr. Arfat Rashid, Advocate

Vs.

**J AND K SPECIAL TRIBUNAL AND
OTHERS (SRINAGAR MUNICIPAL
CORPORATION)**

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

31.01.2026

1. Petitioner herein has challenged order dated 28.01.2026 passed by respondent No. 1, whereby the interim application of the petitioner came to be dismissed, however the appeal has been entertained.
2. It is stated by the learned counsel for the petitioner that in case the demolition notice dated 20.01.2026 is not stayed, the appeal preferred by the petitioner would be rendered infructuous.
3. It is further stated that the petitioner and his brother Mudaser Ashraf Matto are the joint owners in possession of an ancestral piece of land situated at Koker Masjid, Nawakadal, Srinagar. On the said plot of land, there existed a decades old dilapidated residential house measuring around 800 SFT, which was under the lawful occupation & settled possession of the petitioner. Since the said house was in a dilapidated condition, as such in order to restore the structure, renovation was initiated by the petitioner.
4. A suit was preferred by the relatives of the petitioner before the Court of Municipal Magistrate Srinagar, wherein the petitioner was restrained from raising any construction vide orders dated 17.11.2025 and 04.12.2025, subject to obtaining valid permission from concerned Municipal Corporation. The said orders were challenged before the 3rd Additional District Judge, Srinagar, wherein parties were directed to maintain status-quo in terms of order dated 29.12.2025. However, the matter was remanded to the Municipal Magistrate, Srinagar for further proceedings.

5. That after the disposal of the appeal, respondents issued a demolition notice dated 20.01.2026, thereby alleging that the petitioner has violated status-quo order passed by the 3rd Additional District Judge, Srinagar. It is contended that the order of the demolition has been challenged by the petitioner by way of an appeal in the J&K Special Tribunal, Srinagar, however on the basis of statement made by the counsel representing the Srinagar Municipal Corporation, the interim relief has been denied to the petitioner. Learned counsel for the petitioner further states that the petitioner has not violated status-quo order passed by 3rd Additional District Judge, Srinagar in the suit, but the said aspect has not been appreciated by the learned Tribunal.
6. Be that as it may, in view of the above, order impugned dated 28.01.2026 is set aside, with a direction to the respondent No. 1 to reconsider and decide the interim application of the petitioner afresh, after providing opportunity of hearing to the parties, strictly in accordance with law, within a period of two weeks from the date of passing of this order.
7. Till the interim application is decided by respondent No. 1, parties are directed to maintain status-quo, with respect to the subject matter of the property in dispute.
8. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

31.01.2026

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