

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

WP(C) 263/2026 CM(670/2026)
Caveat 177/2026

**MOHAMMAD FAROOQ
GANIE AND OTHERS.**

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

Through: Mr. R. A. Dar, Adv.

Vs.

Union Territory of J&K and Ors.

...Respondent(s).

Through: Mr. Furqan Sofi, GA for Rs. 1 to 3.
Mr. Musavir Mir, Adv. vice
Mr. Shabir Ahmad Bhat, Adv.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

17.02.2026

1. With the appearance of Mr. Musavir Mir, Advocate appearing vice Mr. Shabir Ahmad Mir, Advocate for the Caveators, the caveat stands dis-charged.
2. Heard the learned counsel for the petitioners in respect of the matter.
3. The case of the petitioners in nutshell is that they are the owners of the horticultural land as also having their residential house nearby the proposed site where on the private respondents intends to install the Petrol Dumping Point. That the proposed installation of the Petrol Dumping Point is likely to affect seriously their horticultural produce being their only source of income

besides making their living adjacent to the proposed site miserable from the health point of view. That they had already made a representation to the respondent No. 2 i.e., the Deputy Commissioner, Kupwara but no action has been taken thereon which has constrained them to approach this court through the medium of the instant petition under the provision of Article 226 of the Constitution of India to seek their fundamental constitutional rights.

4. The petitioners have accordingly sought the issuance of directions/writs in the nature of prohibition and mandamus for restraining the official respondents to allow the proposed installation of the Petrol Dumping Point on the proposed site and to direct for joint inspection of Revenue Authorities and Pollution Control Board on the site.

5. The learned counsel for the petitioners during his arguments inter alia submitted that the private respondents are required as per the Petroleum Act 1934 and the Rules of 2002 framed there-under to get the necessary NOCs from all the concerned departments/agencies especially the Revenue Department regarding change of land use, Horticulture Department, Fire and Emergency Department, Pollution Control Board etc in connection with the

requirement of issuance of necessary license for the proposed installation, which is not being done.

6. It is submitted by the learned counsel that if the official respondents will allow the private respondents to install the proposed Petrol Dumping Point on the site and will accordingly issue necessary license in that behalf without prior compliance of the requirements of law as regards the obtaining of NOCs from all the concerned departments/agencies, the petitioners shall suffer an irreparable loss in terms of their health and livelihood which cannot be repaired.
7. Per contra, the learned counsel for the private respondents who was already on caveat submitted that the petitioners have already filed a Suit before the Competent Civil Court regarding the same subject matter in which the interim order of status quo earlier granted stands vacated.
8. The learned counsel further submitted that the private respondents admittedly are intending to install the Petrol Dumping Point on the site in connection whereof they have already obtained all the requisite NOCs.
9. In the facts and circumstances of the case, having regard to the grievance of the petitioners and the plea of the private respondents, this court is of the opinion that matter can be disposed of at this threshold stage

by passing of such appropriate orders the action under which is otherwise the legal obligation of the respondents.

10. Accordingly, the instant petition is taken up for disposal and is accordingly disposed of at this stage with the direction to the respondents 1 to 3 that they shall not issue the necessary license for installation of the proposed petrol dumping point at the proposed site unless all the requisite NOCs under law are obtained in respect of the matter. The NOCs, if any, already obtained in respect of the matter and valid under law shall not be directed to be re-obtained.

11. Copies of this order shall be forwarded for information and compliance to the respondents 1 to 3.

12. ***Disposed of.***

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
17.02.2026
"Sakkena-PS"