

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

WP(C) 606/2026
CM 1553/2026

M/S SHAHEEN ENTERPRISES ...Petitioner(s)/Appellant(s).

Through: Mr. Zahoor A.Shah, Advocate

Vs.

UT OF J AND K AND ORS. ...Respondent(s).

Through:

CORAM: HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

01.04.2026

1. Heard learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner, in nutshell, is that some works were allotted to him by the respondents/department, which were fully executed by him in terms of the allotment letters. That respondent No. 4, vide communication addressed to respondent No. 2 under No.MICD/Accts/5384-06 dated 10.01.2026, forwarded the bills of the completed works, indicating the allotted cost, payments already made, and the balance amount payable on account of completion of the said works. That, as per the said communication dated 10.01.2026, the requisite funds for discharging the liability under the aforesaid works had also been allotted; however, no effective steps have been taken to release the due payment in favour of the petitioner. That the inaction on the part of the respondents in delaying the payment has caused severe loss and has resulted in infringement of the petitioner's legal rights. That the petitioner had submitted a representation on 21.11.2025, which was endorsed to Xen MICD, Srinagar with a direction to make the payment, but despite verification of the due payments, no steps have been taken by the respondents to release the payment.

3. The petitioner has, accordingly, prayed for the issuance of a writ/direction in the nature of mandamus, commanding the respondents to release the due bill amounts in his favour along with interest at the rate of 6% per annum from the due date till final liquidation in his favour.
4. Learned counsel for the petitioner submitted that the petitioner had executed the works duly allotted to him in the years 2012, 2013, and 2018, but despite such execution, he continues to suffer for want of payment. It is further submitted that due to the inaction of the respondents, the petitioner has suffered badly and had, in connection with the execution of the works, raised loans from banks. He further submitted that such inaction on the part of the respondents amounts to violation of the petitioner's fundamental rights, particularly those guaranteed under Articles 14 and 21 of the Constitution of India. It is also contended that it is well settled by the Hon'ble Apex Court that where the State acts arbitrarily, even in realm of contract, the High Court may exercise its jurisdiction under Article 226 of the Constitution of India.
5. I have perused the memo of the petition and the documents annexed thereto, particularly the communications dated 10.01.2026 *inter se* the respondents, as well as the representation dated 21.11.2025 submitted by the petitioner before respondent No. 2.
6. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of at this threshold stage by passing appropriate orders, which are not likely to prejudice the interests of the respondents. The respondents, being State functionaries, are under an obligation to make payment due to the petitioner on account of the execution of the allotted works.
7. For the foregoing reasons, the instant petition is disposed of at this stage with direction to the respondents to take immediate steps for release of the

payment due to the petitioner on account of the execution of the works, as per the allotment letters, within a period of six weeks.

8. Disposed of.

**(MOHD YOUSUF WANI)
JUDGE**

SRINAGAR
01.04.2026
"Mubashir"

