

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 712/2024 CM(1901/2024).

NUSRAT UN NISA QURESHI AND ANR.

...Petitioner(s)

Through: Ms. Tabinda Yousuf, Advocate.

VERSUS

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Bikram Deep Singh, Dy AG.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
12.05.2026

01. The petitioners through the medium of the present petition has sought the following relief:

"I). By issuance of writ, order or direction one in the nature of Certiorari, the building permission Order No. 69 of 2022 dated 10-08-2022 issued by Respondent No. 5 in favour of Respondent No. 9 for repairs/renovation to the existing three storeyed/partly double storeyed with attic by way of retrofitting method without any structural change in shape, size and height on the existing parameters on a plot comprising of Surey No. 1259 and 1260 Min situated in Estate Tashwan, Nawabazar Srinagar Kashmir be quashed/setaside.

II). By issuance of writ, order or direction one in the nature of Mandamus Respondent Corporation be commanded to

take decision on the representations filed by the Petitioners with regard.

III) By issuance of writ, order or direction one in the nature of mandamus, Respondent No. 4 to 6 be commanded not to allow Respondent No. 9 to raise fresh/new construction on spot on the strength of building permission Order No. 69 of 2022 dated 10-08-2022.

IV) By issuance of writ, order or direction one in the nature of mandamus, Respondent No. 2 to 8 be commanded not to process any fresh building permission in favour of Respondent No. 9 without strictly observing the compliance of land use of the area and the permissibility of the constructions as per the Master Plan on the river banks.

V) Any other order or direction which this Hon'ble Court may deem fit under the facts and circumstances of the case of Petitioner may also be issued in favour of Petitioners and against respondents.”

02. The record reveals that the last and final opportunity was granted to the respondents to file response vide order dated 06.03.2026. However, till date, no response has been filed on behalf of the contesting respondent No. 9.

03. Mr. Bikram Deep Singh, learned Deputy Advocate General appearing on behalf of the contesting official respondents makes a categorical statement at the Bar that the grievance of the petitioners stands redressed, as the building permission which is the subject matter of the instant petition has already been kept on hold and the respondent

No. 9 has been restrained from carrying on any construction till the matter is resolved. The same is evident from the communication dated 11.12.2023 issued by the Joint Commissioner, Srinagar Municipal Corporation (SMC), to the Ward Officer, Ward No. 20, Srinagar Municipal Corporation.

04. In addition, Mr. Bikram Deep Singh, learned Deputy Advocate General has also drawn the attention of the Court to another communication dated 15.02.2024 issued by the concerned Ward Officer to the Enforcement Officer Srinagar Municipal Corporation (SMC), a perusal where of reveals that the permittee i.e., respondent No. 9 herein, has already dismantled the old existing three-storeyed building of a school with attic. The said communication further reveals that the building permission which is the subject matter of the instant petition has not been executed at the site and no construction work was going on as on date of issuance of the aforesaid communication.

05. The communication relied upon by the respondents was issued by way of a reply under the Right to Information Act and the same was also endorsed to the petitioner No. 2, wherein it has been conveyed that the respondent No. 9 had got building permission for repair/renovation of the existing three-storeyed/partly double-storeyed school building with attic by way of retrofitting method without any structural change in shape, size, and height on the existing parameters, vide order No. 69/2022 dated 10.08.2022, which has already been kept on hold. It has further been conveyed that respondent No. 9 has already dismantled the old existing three-storeyed structure with attic.

06. Thus, in the light of what has been projected by the writ petitioners through the medium of the instant writ petition, it can safely be concluded that the grievance of the petitioners stands redressed and, therefore, no cause of action survives for continuing the instant writ petition.
07. The petitioner is also not averse to the disposal of the instant writ petition in the light of the aforesaid developments, the details whereof have been noticed hereinabove.
08. In view of the stand taken by the respondents and the aforesaid developments, since the grievance of the petitioners stands redressed, learned counsel for the petitioners seeks withdrawal of the instant petition. Accordingly, the writ petition, along with all connected applications is **dismissed** as withdrawn in light of the aforesaid developments. However, dismissal of the instant writ petition shall not come in the way of the petitioners in agitating the cause afresh in case any fresh cause of action accrues.
09. Accordingly, the writ petition stands disposed of.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
12.05.2026
Bisma Jan.