

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

WP(C) 869/2026 CM(2269/2026)

RUKSANA AMIN

...Petitioner(s)/appellant(s)

Through: Mr. Sajid Ahmad, Advocate

Vs.

GOVERNMENT OF J AND K (HOUSING)
AND OTHERS

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG., with
Ms. Maha Majeed, Assisting Counsel.

WP(C) 1050/2026

Petitioner(s)

GHULAM MOHI UDDIN SHEIKH

Through: Mr. S.N. Ratanpuri, Advocate.

Vs.

GOVERNMENT OF J AND K AND OTHERS
(HOUSING AND URBAN DEVELOPMENT)
(SONAMARG DEV. AUTH.)

Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG.
Ms. Maha Majeed, Assisting Counsel.

WP(C) 1059/2026

Petitioner(s)

HASEENA BEGUM

Through: Mr. S.N. Ratanpuri, Advocate.

Vs.

Respondent(s)

GOVERNMENT OF J AND K (HOUSING)
AND OTHERS

Through: Mr. Mohsin Qadiri, Sr. AAG., with
Ms. Maha Majeed, Assisting Counsel.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

13-05-2026

1. For the matter in issue in all these petitions is identical, these are being disposed of by a common order. However, the facts are being derived

from WP(C) No. 869/2026 (*Rukhsana Amin Vs. Government of J&K Housing and Ors.*)

2. The petitioner claims to be the owner of a land measuring 02 Kanals, comprised in Survey No. 4 min, in the revenue estate of Sonamarg, District Ganderbal. He moved the Block Development Officer, Block Gund, District Ganderbal (Respondent No.4) to accord permission to raise construction (residential house) over the subject land. As a consequence, Respondent No.4, vide communication dated 15.09.2025, sought No Objection Certificates (NOCs) from the concerned departments/authorities.

3. Accordingly, on the basis of the reports submitted by the field staff, the Office of Tehsildar, Gund, vide communication dated 21.11.2025, issued a No Objection Certificate in favour of the petitioner for construction of a residential house at Lashpathri, Sonamarg, Block Gund under Survey No. 4 min. Similarly, various other departments also forwarded their respective NOCs to the Respondent No.4.

4. The limited grievance that the petitioner has is that, even though a considerable time has already elapsed, the matter has not made any tangible progress. And, thus, there is an apparent inaction at the end of the Respondent No.4 in discharging his statutory obligations.

5. Response/objections on behalf of respondent Nos. 3 and 4 have been filed. In essence, what is stated is that although certain departments have furnished their respective NOCs in favour of the petitioner, but no NOC from the Wildlife Department/Wildlife Warden has been received to date, which would be mandatory before any final approval is granted.

6. Learned counsel for the petitioner has drawn our attention to a communication dated 14.03.2026, addressed to the Wildlife Warden Central Division, Srinagar, whereby the Range Officer, Ganderbal, had communicated that, during the course of the inspection, it was observed that the proposed construction site was situated at an approximate distance of 330 meters outside the notified Eco-Sensitive Zone and about 1300 meters from nearest boundary pillar of Thajwas Wildlife Sanctuary.

7. Similarly, even as regards the petitioner in WP(C) No. 1050/2026 (*Ghulam Mohi Uddin Sheikh v. Government of J&K and Ors.*), the subject land is situated at a distance of 101 meters from the nearest forest boundary and is, thus, outside the Eco-Sensitive Zone. And so is the position in WP(C) No. 1059/2026 (*Haseena Begum v. Government of J & K and Ors.*).

8. That being so, learned counsel for the petitioner asserts that the insensitivity with which the matter has been dealt with by Respondent No.4 is apparent.

9. Accordingly, on the oral request of the learned counsel for the petitioner, the Commissioner/ Secretary, Department of Forest, Ecology & Environment, is arrayed as Respondent No. 7 in WP(C) No. 869/2026, Respondent No. 4 in WP(C) No. 1050/2026 as also in WP(C) No. 1059/2026. Office to amend the cause-title accordingly. Ms. Maha Majeed, learned Assisting Counsel accepts notice on behalf of the newly added respondent.

10. However, Mr. Mohsin, Qadri, learned Sr. AAG submits that let these petitions be disposed of at this stage to enable the Respondent No.4 to take cognizance in the matter forthwith and deal with the applications moved by the petitioners and pass appropriate orders at the earliest.

11. Learned counsel for the petitioner is agreeable to the course suggested by learned Sr. AAG for the respondents. However, he submits for a considerable time has already elapsed, Respondent No.4 be directed to pass necessary orders within a specified time.

12. In the wake of the position sketched out above, we are not required to delve any further into the matter. The petitions are, accordingly, disposed of in terms of the statement made by the learned counsel for the parties.

13. This Court is sanguine that Respondent No.4 (Block Development Officer, Block Gund, District Ganderbal) shall pass appropriate/necessary orders on the applications moved by the petitioners at the earliest, and, in any case, within two weeks from today.

14. Needless to assert that this order shall not constitute an expression of opinion on merits of the case of either party, as the competent authority shall proceed to pass necessary orders strictly in accordance with law.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
13-05-2026
Junaid