

Serial No. 7
Regular List

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

CM No. 4328/2026 in
WP(C) No. 1653/2026

Inhabitants of village Nowgam

..... Appellant/petitioner(s)

Through: -
Mr. Hussain Rashid, Advocate

V/S

UT of J&K and Ors.

..... Respondent(s)

Through: -
Mr. Ilyas Nazir, GA

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)
20.07.2026

CM No. 4328/2026

01. The application under Order 1 Rule 8 CPC, for the reasons stated therein is allowed and petitioners are permitted to file writ petition in a representative capacity.
02. Notice to the respondents and also to the Public at large returnable within four weeks to be issued in two daily newspapers having wide circulation in District concerned. The petitioners shall deposit the requisite publication charges within two weeks.
03. CM is, accordingly, **disposed of**.

WP(C) No. 1653/2026

01. By way of the present petition, the petitioners seek a direction to the respondents to cancel the permission, if any, granted in favour of respondent No. 6 and to restrain the respondents from issuing

any fresh permission to any person, including respondent No. 6, for extraction of soil/earth from Survey No. 449/304 situated at Village Nowgam, Rafiabad, District Baramulla.

02. Learned counsel for the petitioners submits that respondent No. 6 was granted permission to extract soil generated during the levelling of a playground and to utilize the surplus material for the construction and widening of National Highway-701. It is further submitted that respondent No. 6 has exceeded the period of permission, which was valid for eight days, and, in the process, has caused damage to water supply pipelines, roads, bridges and other public infrastructure.
03. Pursuant to the earlier direction of this Court, Mr. Ilyas Nazir, learned Government Advocate, has obtained instructions and submits that respondent No. 6 was permitted to extract soil only up to 24.06.2026. He further submits that upon receipt of complaints from the local inhabitants and the Irrigation Department regarding damage to water pipelines of the Public Health Engineering (PHE) Department, the respondents did not permit respondent No. 6 to continue extraction or lifting of soil beyond 24.06.2026. It is further submitted that respondent No. 6 has since been granted a fresh permit for extraction of soil at different villages and is not presently carrying out any extraction from the land in question.
04. Notice is waived by Mr. Ilyas Nazir, learned GA, on behalf of respondents 1 to 5.
04. In view of the statement made by the learned GA that respondent No. 6 has not been permitted to extract or lift soil pursuant to the

permit dated 18.06.2026 beyond 24.06.2026, nothing further survives for adjudication in the present petition. Accordingly, the petition is disposed of with a direction to the official respondents to ensure proper monitoring and supervision of the site, assess and take appropriate remedial measures in respect of any damage caused to public infrastructure, including water supply pipelines, if so required in accordance with law, and to ensure that respondent No. 6 does not undertake any extraction or lifting of soil from the subject land under the permit dated 18.06.2026.

06. Disposed of along with connected CM(s).

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
20.07.2026
"Mohammad Yaseen Dar"

