

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) No.363/2026
CM No.5413/2026

IRFAN MIR AND OTHERS

... Petitioner(s)

Through: Mr. Syed Sajad Geelani, Advocate

VERSUS

UNION TERRITORY OF J&K AND OTHERS

...Respondent(s)

Through: Mr. Jahingir Ahmad Dar, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
17.08.2026

1. The seven petitioners are the plaintiffs in a civil suit before the court of Sub Judge/City Judge, Srinagar wherein the petitioners are aiming to injunct, by perpetual as well as mandatory injunction, development of water storage facility intended by the Jal Shakti Department in the form of the construction of an over head water storage tank at the site of State Land.

2. The seven petitioners, as plaintiffs, reckon that in the event of construction of under process over-head water storage facility in the eventuality of any unforeseen incident/accident taking place may lead to collapse of

over-head water storage. Whereby the residential houses of the petitioners would be coming within the immediate hit.

3. The apprehension of the petitioners seems to be very far-fetched.

4. This Court has no reason to doubt the prudence of the Administration of UT of Jammu and Kashmir as well as the Jal Shakti Department in carrying out a development project relating to essential supply of drinking water to non else then the very locality wherein the water storage over-head facility is being put up.

5. The petitioners have failed to earn temporary injunction from the trial court by virtue of well reasoned order dated **01.08.2025**.

6. The temporary injunction application has been dismissed by learned Sub Judge/City Judge, Srinagar against which a civil miscellaneous appeal under Order 43 Rule 1 (r) of the Code of Civil Procedure, 1908 preferred before the court of learned 1st Additional District Judge, Srinagar came to be dismissed on **29.11.2025**.

7. It has taken seven petitioners, as plaintiffs, more than eight months to come to realization that order dated **29.11.2025** of the learned 1st Additional District Judge, Srinagar in their appeal and also order dated **01.08.2025** by the Sub Judge/City Judge, Srinagar in their civil suit are legally and factually wrong to be questioned in supervisory jurisdiction before this Court under article 227 of the Constitution of India.

8. The petitioners are too late in their venture to seek engagement of this Court under article 227 of the Constitution of India.

9. If the petitioners would have been so concerned plaintiffs, or for that matters residents of the locality in whose immediate neighborhood, the over-head water storage facilities is getting constructed, the petitioners would not have missed the very month of November or at best December 2025 in coming to this Court to register their grievance against rejection of their temporary injunction application as well as dismissal of their miscellaneous appeal.

10. In the light of the aforesaid, this Court is not inclined to grant indulgence in favour of the petitioners and therefore the present petition is **dismissed** in limine.

11. A copy of this order be forward to the court of Sub Judge/City Judge, Srinagar for being taken on record.

(RAHUL BHARTI)
JUDGE

SRINAGAR
17.08.2026
“Opinder”

