

S. No. 186
Suppl Cause List-1

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

WP(C) 2012/2026
CM(5450/2026) CM(5713/2026)

JAVAID AHMAD BHAT

...Appellant(s)/Petitioner(s)

Through: Mr. M. I. Dar, Advocate with
Ms. Sana Imam, Advocate

Vs.

UT of JK and others

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

02.09.2026

1. Heard both the counsels.
2. The petitioner, by way of CM No. 5713/2026, seeks a direction to the respondents to consider his case in terms of the judgment passed by a Coordinate Bench of this Court in OWP No. 733/2013, decided on 16.12.2025, on the ground that his case is also covered by the said judgment.
3. Learned counsel for the respondents controverts the aforesaid submission. It is submitted that, while disposing of OWP No. 733/2013, the Court had dismissed the writ petition with a direction to the respondents to proceed further for implementation of the recommendations of the Committee, in terms whereof the cases of 108 eligible allottees were required to be considered for allotment of shops at Sector-6, Batamaloo. It is, however, submitted that in the

event the petitioner figures in the said list, the respondents would otherwise be under an obligation to consider his case in accordance with law.

4. Learned counsel for the petitioner, on the other hand, submits that the petitioner had earlier also approached this Court by way of OWP No. 1290/2013, which came to be disposed of vide order dated 27.05.2021 with a direction that the writ petition be treated as a representation and that the respondents accord meaningful consideration thereto.
5. Learned counsel for the petitioner further fairly submits that the petitioner does not figure in the list of allottees covered by the judgment passed in OWP No. 733/2013. He, however, submits that the present petition may be disposed of by directing the respondents to consider the case of the petitioner independently, in accordance with the applicable policy, rules and regulations.
6. Learned counsel appearing for the respondents has no objection to the aforesaid course being adopted.
7. Having regard to the submissions made by learned counsel for the parties and without expressing any opinion on the merits of the claim of the petitioner, the present petition is taken up for disposal at the admission stage. The writ petition shall be treated as a representation on behalf of the petitioner before the competent authority, which shall consider the same in accordance with the applicable eligibility conditions, policy, rules, regulations and criteria governing the field.
8. It is pertinent to notice that even earlier, vide order dated 27.05.2021 passed in OWP No. 1290/2013, a direction had been issued for

consideration of the petitioner's representation. However, nothing has been brought on record to indicate the fate of the said representation or the action, if any, taken by the respondents pursuant to the aforesaid order.

9. In the aforesaid circumstances, the respondents are directed to accord meaningful consideration to the claim of the petitioner. In the event the petitioner is found eligible in terms of the applicable policy, rules and regulations governing the field, his case shall be considered accordingly. The competent authority shall, in any event, take a decision on the petitioner's claim by passing a reasoned and speaking order within a period of four weeks from the date a copy of this order is served upon the respondents.
10. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's claim, and the competent authority shall consider and decide the matter independently and strictly in accordance with law.
11. The petition, along with the connected CM, stands disposed of in the above terms.

(SANJAY PARIHAR)
JUDGE

Srinagar
02.09.2026
"Imtiyaz"