

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(5836/2026) IN LPA 203/2026 CM(5837/2026) Caveat
1988/2026

DILSHADA HAZARI

...Petitioner/Appellant(s)

Through: Mr. Rabinder Singh, Advocate

Vs.

BILALA BANO AND OTHERS

...Respondent(s)

Through: Mr. Arfat Rashid Lone, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

07.09.2026

1. Caveat stands discharged.
2. Impugned in this Letters Patent Appeal is an order dated 5th August, 2026 passed by the learned Single Judge of this Court ["the writ Court"] in WP(C) No. 1877/2026, whereby the writ Court while issuing notice to the respondents for filing objections, has stayed the operation of the impugned judgment and order dated 22nd July, 2026 passed by the Jammu and Kashmir Special Tribunal till the matter for interim stay is considered. Ordinarily, this Court does not interfere with the interim orders which are subject to objections, however, in the given facts and circumstances, it is necessary to preserve the lis.
3. Indisputably, the respondent No. 1 has been granted building permission in terms of Order No. SMC/2025/3569 dated 25th September, 2025 for carrying out repairs and restoration of the

existing four storied and double storied residential houses, comprising two shops in one structure and one shop on the ground floor of the second structure, without remodeling existing structure at any floor level.

4. The aforesaid building permission was assailed by the appellant herein before the Tribunal in a revision petition. The appellant succeeded before the Tribunal and, in terms of 22nd July, 2026, the building permission in favour of the respondent No. 1 was cancelled. The writ Court, having considered the controversy has stayed the operation of the impugned judgment, thereby permitting the respondent No. 1 to raise the construction strictly as per the building permission granted.

5. Although we do not find any legal infirmity in the interim order passed by the writ Court, yet, with a view to safeguard the interest of the appellant before the writ Court, we are of the view that the respondent No. 1 needs to be called upon to submit an undertaking that in case the appellant herein succeeds and the building permission dated 25th September, 2025 is found to be against law, he shall demolish the entire structure raised within a period of 15 days, under an intimation to the Court. **Ordered, accordingly.** He shall also undertake that he shall strictly abide by the permission granted by the Srinagar Municipal Corporation vide order dated 25th September, 2025 and shall permit the demolition of any building or any part thereof which is raised contrary to and in violation of the terms and conditions

of the building permission. An undertaking in this regard shall be submitted before the learned Single Judge, which shall form part of the writ petition.

6. In view of the above, this appeal is accordingly **disposed of**.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:
07.09.2026
"ARIF"

