

Serial No. 04
Regular list.

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

WP(C) 2449/2026

CM(6623/2026)

Tasleema Hussain Shah.
S/o Abdul Raheem Shah
Father of deceased Showkat Hussain Shah
R/o Panjtaran Tehsil Karnah District Kupwara

..... Petitioner(s)

Through: -

Mr. Qazi Ayaz, Advocate.

V/s

**1. Union Territory of Jammu and Kashmir through
 Commissioner /Secretary to Government, PWD
 (R&B) Department, Civil Secretariat
 Jammu/Srinagar;**

**2. Chief Engineer PWD (R&B) Department North
 Kashmir at Baramulla;**

**3. Superintending Engineer, PWD (R&B) Circle
 Baramulla/ Kupwara at Baramulla;**

**4. Executive Engineer, PWD (R&B) Division
 Tangdar Tehsil Karnah District Kupwara;**

..... Respondent(s)

Through:-

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

28.09.2026.

1. Heard the learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner as projected in the main petition is that he is the father and legal heir of late Showkat Hussain Shah, who expired in the year 2019, while several government works allotted to him were under execution. That out of the five works allotted to the deceased, payment in respect of two works has already been released pursuant to earlier proceedings before this Court and payment in respect of one work is still pending

consideration in the contempt proceedings. That present petition is confined to two separate works, namely, removal of heavy boulders, debris and accumulated material from the playground and rooms of Higher Secondary School Nachyian after flash floods and cloudburst, and engagement of a JCB machine for dragging of Nallah Batamaji during flash floods of August, 2018, having a total value of Rupees Six Lakhs Thirty Four Thousand only. That the works were executed within the stipulated period, the bills were duly prepared by the department and submitted to the competent authorities and the liability has repeatedly been admitted by the respondents through their official communications. That the petitioner was under a bona fide belief that payment for all five works would be released in the earlier writ and contempt proceedings; however, the respondents subsequently clarified that these two works were not part of the earlier litigation, necessitating the filing of the present petition. That despite repeated representations, recommendations and communications issued by the concerned authorities, payment has been withheld on the sole ground of non-availability of funds and alleged delay in submission of the claim. After the demise of his son, the petitioner has continuously pursued the matter and has suffered considerable financial hardship, particularly when the

works had been executed by arranging finances through bank borrowings. That the continued withholding of an admitted and undisputed amount, despite completion of work, preparation of bills and repeated official recommendations, has left the petitioner with no other efficacious remedy except to invoke the extraordinary jurisdiction of this Court.

3. The petitioner has accordingly, sought for issuance of mandamus for commanding upon the respondents to release the bail amount of Rs. 4.00 lacs on account of the executed work namely removing of heavy boulders, clearance of Malba and other accumulated materials from playground/ rooms of higher Secondary School Nachiyan due to flash floods/ cloud burst on 14.08.2018 and engagements of JCB for dragging of Nallah Batamaji during flash flood on 14.08.2018 for an amount of Rs. 2.34 lacs in total 6.34 lacs alongwith interest @ 18% from the date of execution of the work.
4. Learned counsel petitioner while reiterating his stand taken in the main petition has submitted that the matter can be disposed of even at this threshold stage by directing the respondents to pay the admitted due liability towards the petitioner on account of execution of the subject work. He while inviting the attention of the Court towards the communications between the respondents, forming annexures to the writ petition

submitted that they clearly reveal admission of the liability by the respondents towards the petitioner.

5. Perused the memo of petition and prayer sought by the petitioner. Also perused the copies of the documents, enclosed with the same as annexures thereto.
6. In the facts and circumstances of the case, the Court is of the opinion that as rightly submitted by the learned counsel for the petitioner, the matter can be disposed of even at this threshold stage by directing the respondents to pay the due admitted liability towards the petitioner within some appropriate time.
7. Admittedly, the communications between the respondents in respect of the subject work, copies whereof are enclosed with the petition as annexures, clearly reveal admission on the part of the respondents regarding the liability towards the petitioner in respect of subject works, allotted and executed by late Showkat Hussain Shah-son of the petitioner. The petitioner being the father of the deceased-contractor is supposed to be suffering badly on account of non-payment of the due amount in his favour. There is also a copy of the *inter-se* communication placed on the record of the file revealing the clarification of queries regarding the claim
8. Accordingly, the instant petition is disposed of with the direction to the respondent Nos. 2-4 to immediately release the necessary funds to meet the liability of the

petitioner and to also pay the same to the petitioner within a period of four weeks from the date copies of this judgment/order are left at their office.

7. The writ petition is ***disposed of*** along with connected CM(s).

(Mohd Yousuf Wani)
Judge

SRINAGAR
28.09.2026.
“Abdul Rashid”