

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

WP(C) No. 3090/2023

Reserved On: 26.08.2025

Pronounced On: 24.02.2026

*Whether the operative part or
full judgment is pronounced: Full*

**M/S Aadhitya Constructions,
Proprietor Aijaz Ahmad
S/O: Abdul Rehman Bhat
R/O: Narakara, Budgam,
Registration No. of firm CE (R&B)
SB-D234 of 2017-2018, through
Mushtaq Ahmad Dar
S/O: Ghulam Nabi Dar
R/O: Khan Mohalla, Narkara,
Budgam**

...Petitioner(s)

Through: Mr. M.I. Qadri, Sr. Advocate with
Mr. Naveed Gul, Advocate

Vs.

**1. Union Territory of J&K through
Commissioner Secretary, Health
and Medical Education Department,
Civil Secretariat, Srinagar.**

**2. SKIMS, through Director of
Institute, at Soura, Srinagar**

**3. Principal, SKIMS Medical College
Hospital, Bemina, Srinagar at
Bemina**

**4. Executive Engineer, R&B
Division, Bemina, Srinagar at**

SKIMS Medical College, Bemina.

**5. Chief Accounts Officer, SKIMS,
Medical College, Hospital, Bemina
Srinagar.**

**6. Incharge Executive Engineer,
Civil Works, Division, SKIMS
Medical College, Hospital, Bemina,
Srinagar.**

**7. Director General Accounts and
Treasuries, Government of Union
Territory of J&K, Civil Secretariat,
Srinagar**

...Respondent(s)

Through: Mr. Jahangir Ahmad Dar, GA

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT

1. Heard learned counsel for the parties.

2. The institution of this writ petition came to take place on **21.11.2023** purportedly filed by the petitioner-M/s Aadhitya Constructions, a proprietorship concern of Aijaz Ahmad Bhat son of Abdul Rehman Bhat resident of Narkhara Budgam, acting through Mushtaq Ahmad Dar son of Ghulam Nabi Dar resident of Khan Mohalla, Narakara, Budgam.

3. The competence of **Mushtaq Ahmad Dar** to come forward with the institution of the present writ petition purportedly in the name of the petitioner-**M/s Aadhitya Constructions**, the proprietorship concern of Aijaz Ahmad Bhat, is a notarized **Special Power of Attorney** dated **28.04.2021** annexed with the writ petition.

4. In the writ petition, the petitioner-**M/s Aadhitya Constructions**, is coming forward seeking the following reliefs by issuance of the an appropriate writ, order or direction including one in the nature of:-

(a) Mandamus, commanding the respondents to pay the petitioner admitted liability of Rs. 35.00 lacs plus interest as per MS & ME Act of 2006 to the tune of Rs. 55.85 lacs and total amount of Rs. 90.85 lacs, due to him up to 31st October, 2023 and they be further directed to pay the due amount and the interest till the final payment is made to the petitioner of the admitted liability along with cost of the litigation.

(b) Any other writ, order or direction which this Hon'ble court may deem, fit and proper may also be passed favouring petitioners and against the respondents.

5. In para 1 of writ petition, it is averred that attorney holder-Mushtaq Ahmad Dar is filing the writ petition as per authority executed by the proprietor of the petitioner-**M/s Aadhitya Constructions**.

6. Filing of a writ petition by a person/entity in a constitutional court invoking Article 226 of the Constitution of India is a legal proceeding of serious nature and intent which admits of no casualness on a part of a petitioner in petitioning the court.

7. However, in the present case when this Court examines the notarized **Special Power of Attorney** on the basis of which Mushtaq Ahmad Dar S/o Ghulam Nabi Dar R/o Khan Mohalla, Narakara, Budgam is purportedly claiming the right to come forward with the writ petition for, on behalf of and in name of the petitioner-**M/s Aadhitya Constructions**, this Court led to wonder from the scope of notarized Special Power of Attorney dated **28.04.2021** as to whether Mushtaq Ahmad Dar is authorized to even come forward with a writ petition or for that matter initiate legal proceedings in a court of law for and on behalf of the petitioner- **M/s Aadhitya Constructions**.

8. From a bare perusal of said notarized Special Power of Attorney dated **28.04.2021**, the first fact which comes into immediate picture is that the principal which is the petitioner-**M/s Aadhitya Constructions**, the proprietorship concern of Aijaz Ahmad Bhat is purportedly authorizing **M/s Naseeb Builders** through its proprietor Mushtaq Ahmad Dar to be as an Attorney Holder and not Mushtaq Ahmad Dar per se.

9. In the entire length and breadth of the notarized Special Power Of Attorney, there is not even a whisper of reference that the attorney namely M/s Naseeb Builders through its proprietor Mushtaq Ahmad Dar is authorized to file petition or initiate legal proceedings before this Court or for that matter before any other court as well for and on behalf of the petitioner-M/s Aadhitya Constructions.

10. Therefore, very institution of the writ petition by Musthaq Ahmad Dar, purportedly as an attorney holder, is utterly misconceived.

11. The writ petition on that count is hereby **dismissed** but without prejudice to the right of the

petitioner-**M/s Aadhitya Constructions** to maintain a writ petition either by its own name and authority acting through a properitor Aijaz Ahmad Bhat or through its properly executed deed of attorney authorizing the attorney holder to act in the matter of legal proceedings for and on behalf of the petitioner- M/s Aadhitya Constructions for the purported cause of action for which the present petition came to be maintained.

12. The writ petition is, thus, **disposed of.**

(RAHUL BHARTI)
JUDGE

SRINAGAR:

24.02.2026

"Mir Arif"

- (I) Whether the judgment is reportable? Yes/No.
- (II) Whether the judgment is speaking? Yes.