

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

CCP(S) 320/2024
C/W
WP(C) 3473/2023,
WP(C) 3019/2024

SYED BILAL AHMAD QADRI ...Petitioner(s).

Through: Mr. Ahmad Basaud, Advocate vice
Ms. Syed Ainain Qadri, Advocate
Vs.

OWAIS AHMED AND ORS ...Respondent(s).

Through: Mr. Waseem Gul, GA vice
Mr. Bikramdeep Singh, Dy. AG for SMC
Mr. Mohammad Younis, for Pvt. respondent

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

27.01.2026

1. The petitioner, as per the main petitions bearing WP(C) Nos 3473/2023 & 3019/2024, has alleged the re-erection of a commercial structure by the private respondent, namely Ashiq Hussain Sheikh, in violation of the building permission and Master Plan, after the purchase of the said structure.
2. Vide order dated 30.12.2023, passed in WP (C) no. 3473/2023, an interim direction to the effect:

“Having regard to the fact that respondent No. 6 is entitled to raise construction on spot only in terms of the building permission dated 26.06.2023 and not in violation of the same. The official respondents are directed to ensure that respondent no. 6 does not violate the said building permission while raising construction on spot.”, came to be passed in the matter.

3. Subsequent to the passing of the aforesaid interim direction, a contempt petition bearing CCP (C) No. 3024/2022 came to be filed by the petitioner alleging breach and non-observance of the aforesaid order dated 30.12.2023 by the respondents/SMC, Srinagar. The respondents/SMC, Srinagar have already filed its statement of facts, in which it has, *inter-alia*, been pleaded that some minor deviations were found to have been committed by the private respondent in violation of the building permission, regarding which action was taken by the SMC by issuance of a demolition notice. That the private respondent, however, challenged the said action of the respondents/SMC, Srinagar before the learned Special Tribunal, Srinagar through the medium of an appeal, in which an order of status quo has been passed.

4. It is, however, submitted in the open Court by the learned counsel for the said private respondent-Ashiq Hussain Sheikh, that the appeal which was pending before the learned Special Tribunal stands disposed of with the direction to the respondents/SMC, Srinagar to consider the application of the private respondent/building permission holder for regularization of the structure in accordance with law. It is further submitted that the respondents/SMC, Srinagar are yet to consider the said application of the private respondent-Ashiq Hussain.

5. In the backdrop of the aforesaid facto-legal scenario of the case, the petitioner is needed to wait for the outcome of the regularization application filed by the private respondent, whereafter he can take appropriate remedy available under law, if needed by him. The petitioner could have himself approached the learned Special

Tribunal for the relief he has sought in the present petitions filed before this Court by availing an efficacious alternate remedy, which has not been done by him. Now, since the appeal that was filed by the private respondent impugning the demolition notice stands disposed of by the learned Special Tribunal, Srinagar, with the direction to the respondents/SMC, Srinagar to consider the regularization application of the said pvt. Respondent, therefore, these matters can be disposed of with the direction to the respondents/SMC, Srinagar to consider the grievance of the petitioner while considering the regularization application and, after hearing both the parties, pass an appropriate order on the same. Needless to say, the petitioner shall be at liberty to have recourse to appropriate remedy under law, if he still feels dissatisfied with the decision of the respondents/SMC, Srinagar, to be taken on the regularization application. **It is accordingly ordered as such.**

6. A copy of this order shall be forwarded for compliance to the respondent-Commissioner, SMC, Srinagar.
7. All the matters stand accordingly *disposed of*.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
27.01.2026
ARIF