Serial No. 100
Supplementary Causelist-1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 245/2024
CM(536/2024)

Tariq Ahmad Mir. …Petitioner(s)

Through: Mr. Asif Ahmad Bhat, Advocate.

Vs.

Union Territory of J&K and Others. ...Respondent(s)

Through: My. Syed Musaib, Dy. AG.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
14.02.2024

01. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner, praying therein for the following reliefs:

> "a) Writ of Mandamus, commanding upon the respondents to consider and finalize the application of the petitioner for grant of consent to operate the enable him to establish and operate/run Hot Mix Plant at Lasjan, Srinagar, without any further delay."

02. The learned counsel for the petitioner submits that M/S Valley Road Construction Company has been allotted the upgradation and widening of Humhama Budgam Road upto Mirgund Junction, including allied links. He further submits that the said project has been started under NABARD Program for which NIT was floated vide NIT No.44/MDB of 2022-23/3203-LS dated 23.05.2022 and the advertised cost of the said work is Rs.533.39 lakhs and the construction cost Rs.5813973L.00/-, total cost of the work is estimated as Rs. 5,34,73,642.00/-. The learned counsel submits that the period of completion is mentioned as 500 days and all the finances will come through the major head account the NABARD. Copy of allotment so made in

favour of M/S: Valley Road Construction Company has been placed on record as **Annexure-I**.

03. The learned counsel for the petitioner submits that the petitioner is working as Sub Contractor with the allotted company but is otherwise proprietor of his own construction company. He further submits that the allotted project has to be completed within some reasonable time frame and requires immediate execution of work and in this regard, M/S: Valley Road Construction Company, requested the petitioner to provide necessary material for execution of work. The learned counsel submits that the petitioner is having macadam plant but is short of hot mix plant and in order to accomplish the allotted work and to provide timely material to M/S: Valley Road Construction Company, the petitioner company approached to the respondents and sought consent to operate hot mix plant at Lasjan, Srinagar, for which the land has been identified and taken on lease.

04. It is the specific case of the learned counsel for the petitioner that the petitioner submitted an application on 20th November 2023, before the respondents for consent to install hot mix plant but the respondents have slept over the matter and from the last three months, are not taking any decision on the application of the petitioner. The learned counsel submits that the project is of public importance and statutory authority cannot be allowed to sit over the same. He further submits that despite reminders and representation made by the petitioner, the respondents have not taken any decision in the matter, thereby leaving the petitioner with no other option but to approach this Court for redressal of his grievance.

05. The learned counsel for the petitioner submits that the present writ petition can be disposed of at this stage with a direction to the respondents to treat this writ petition as representation on behalf of the petitioner and decide the same in accordance with law within some reasonable time frame.

06. On the asking of the Court, Mr. Syed Musaib, the learned Deputy Advocate General, entered appearance on behalf of the respondents and is not averse to the disposal of the present petition at this stage or else to the prayer made by the counsel for the petitioner. However, he submits that the

representation of the petitioner would be considered in accordance with the rules and as per law occupying the field.

07. Heard learned counsel for the parties at length and perused the material on record.

08. Without issuing formal notice to the respondents, the present writ petition is taken up for final disposal at this stage with the consent of appearing counsel for the parties and is disposed of with a direction to the respondents to treat this writ petition as representation on behalf of the petitioner and accord consideration to the same strictly in conformity with the rules and as per law within a period of four weeks, from the date copy of the writ petition along with its annexures as also a copy of this Order is made available to the respondents. The order of consideration which is likely to be passed, be provided to the petitioner through registered post

09. Writ petition **disposed of** along with connected CM in the manner as indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
14.02.2024
"Hamid"