

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

LPA 90/2024 in[WP(C) 771/2024]

MANZOOR AHMAD TANTRAY & ...Petitioner/Appellant(s)
ANR.

Through: Mr. Hilal Ahmad Wani, Advocate

Vs.

UT OF JK AND OTHERS

...Respondent(s)

Through: Mr. Ilyas Nazir, GA
Mr. Umer Rashid, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDE R
29.05.2025

Sanjeev Kumar-J (oral):

1. Impugned in this intra-court appeal is an interim order dated 15th April, 2024, passed in WP (C) No.771/2024, whereby the writ Court has dismissed the application for interim relief and directed the respondents to file their objections to the main petition.
2. The impugned order is challenged by the appellants primarily on the ground that the writ Court has not appreciated the fact that, in the face of interim order of status quo granted by the learned Sub Judge, Ganderbal, the respondent No. 3 could not have granted building permission in favour of the respondents No. 5 & 6.
3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that in the given facts and circumstances of the case, the writ Court has rightly declined to grant interim relief.
4. Needless to say that with regard to the same subject matter a civil suit is pending adjudication before the learned Sub Judge, Ganderbal, in

which, apart from the private respondents, the Municipal Council, Ganderbal is also arrayed as party defendant. As a matter of fact, the court of learned Sub Judge, Ganderbal, has intervened in the matter and directed the status quo to be maintained with regard to subject property. If the grievance of the appellants is that the Municipal Council, Ganderbal, despite being party in the suit and being aware of the order of status quo has issued building permission in favor of the private respondents and has, thus, violated the interim direction, the remedy of the appellants lies before the civil court.

5. Prima facie, the appellants have initiated parallel proceedings before this Court. Prior to approaching this Court, the appellants had also filed a revision petition before the Jammu & Kashmir Special Tribunal, challenging communication bearing BPC/Gbl/TP/2022/1042 dated 7th April, 2022, which preceded the issuance of building permission. We fail to understand if with regard to the communication dated 7th April, 2022, the appellant could approach before the Jammu & Kashmir Special Tribunal, what prevented him to throw challenge to the building permission before the Tribunal.

6. Be that as it may, these are tentative observations and should not prejudice the petitioners in the writ petition. We are, however, convinced that the appellants did not have a case for grant of any interim relief.

7. For the foregoing reasons, we find no merit in this appeal, which is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

29.05.2025

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