Serial No. 70
Supplementary Cause List

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

WP(C) 2707/2026 CM(7438/2026)
Caveat 2785/2026

Nighat

...Appellant(s)/Petitioner(s)

Through: -
Mr. R. A. Jan, Sr. Advocate with
Mr. Wahid Lone, Advocate.

V/s

Srinagar Municipal Corporation and Ors.

… Respondent(s)

Through: -
Mr. Bikramdeep Singh, Dy. AG for R 1-5.
Mr. Nisar Ahmad Bhat, Advocate for Caveator/R-7.

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE.

(ORDER)

31.10.2026

1. Mr. Bikramdeep Singh, learned Deputy AG, accepts notice on behalf of the Respondent Nos. 1 to 5 and Mr. Nisar Ahmad Bhat, Advocate who was already on caveat on behalf of the respondent No. 7 accepts notice on his behalf in the matter.
2. Heard the learned counsel for the petitioner in respect of the matter. Also heard the learned counsel for the respondents.
3. The main grievance of the petitioner as agitated through the medium of this instant petition, having been filed in terms of the Article 226 of the Constitution of India, is that his residential property situated at C-11, Lane No. 5 Friend's Enclave, Airport Road, Humhama, Srinagar, which was already built by the Jammu and Kashmir Cooperative Housing Corporation Limited, came to be illegally and unjustifiably sealed by the Corporation of the respondent Nos. 1 to 5 through order dated 11.09.2024 on non-factual grounds.

   That aggrieved by the sealing order dated 11.09.2024, he assailed the same through the medium of an Appeal before the

learned Jammu and Kashmir Special Tribunal, Srinagar. That during the proceedings of the appeal before the learned Tribunal, when the matter came to be reserved for the passing of orders, the respondent No. 7 who was not a party therein, approached this Court through the medium of writ petition WP(C) No. 2552/2025 seeking a direction from this court regarding his right to intervene in the said appeal, which was allowed by this Court on consensus of the learned counsel for the parties. That this Court, vide order dated 27.12.2025 passed in the aforesaid earlier petition while giving an opportunity to the respondent No. 7 to intervene in the appeal before the Special Tribunal, however, directed the learned Tribunal to hear both the parties on the appointed date i.e., 30.12.2025 and to disposed of the appeal without any delay.

That however, the learned Tribunal did not proceed on the matter in accordance with the directions of this Court dated 27.12.2025 and instead allowed the proceedings to get protracted. That the appeal has been pending before the learned Tribunal for the last more than two years and his residential property stands under sealing condition. That the delay in disposal of the appeal by the learned Special Tribunal has resulted in the continuation of the impugned sealing order thereby aggravating his problems. That the continuation of the sealing of his residential property has violated her fundamental rights guaranteed under Article 21 of the Constitution of India.

4. The learned counsel for the respondent No. 7 however, submits that the learned Tribunal was required to follow the procedure and could not have decided the appeal on the then appointed date of 30.12.2025. He further submits that the Commissioner's Report was

awaited for some time however, the sealing order was passed by the Corporation of the respondent No. 1 to 5 in accordance with the Law.

5. The learned counsel for the petitioner, during his preliminary contentions, referred to the interim orders passed on the Appeal by the learned Tribunal.

6. In the facts and circumstances of the case and having regard to the main grievance projected in by the petition, the Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of the appropriate directions to the learned Special Tribunal, Srinagar, for the expeditious disposal of the pending appeal.

7. Accordingly, the instant petition is **disposed of** with the direction to the learned Jammu and Kashmir Special Tribunal, Srinagar (Judicial Member-Bench-II) to prepone the hearing of the Appeal to 10.11.2026 and to ensure the disposal of the pending appeal within a period of two weeks from 10.11.2026.

8. Learned counsel for the parties to the Appeal shall ensure their presence before the learned Tribunal on 10.11.2026, in the matter to conclude their arguments. However, it is stipulated that in case any of the parties do not appear before the learned Tribunal on the appointed date or on subsequent dates, the learned Tribunal shall proceed to dispose of the matter as directed within the stipulated period on the merits of the case.

9. **Disposed of** along with all pending CM(s).

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
October 31st 2026
"Shoaib javid"