

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

OWP 733/2013
CM (1635/2020)

Reserved on : 04.12.2025

Pronounced on : 16.12. 2025

Uploaded on: 17.12. 2025

*Whether the Operative part
or full judgment is pronounced: FULL*

1. Ghulam Mohi-ud-Din Sheikh age 80 Yrs.
S/o Abdul karimShiekh R/o Batamaloo, Srinagar
Through his legal heirs Mohammad Ashraf Sheikh
And Farooq Ahmad Sheikh
2. HabibullahBazaz, age 58 Yrs.
S/o Mohammad Maqbool Bazaz
R/o New Colony, Batamaloo, Srinagar.
3. Omaan Altaf, age 32 Yrs.
S/o Altaf Hussain
R/o Batamaloo, Srinagar.
4. Mohammad Iqbal Bhat, age 56 Yrs.
S/o Ghulam Nabi
R/o Firdous Abad, Batamalloo. Srinagar.
5. Mehraj-ud-Din Bhat, age 40 Yrs.
S/o Ghulam Mohammad Bhat
R/o Batamaloo, Srinagar.
6. Bilal Ahmad Bhat, age Yrs.
S/o Ghulam Mohammad Bhat
R/o S.D. Colony, Batamaloo Srinagar
7. Shahnaz Ahmad, age 31 Yrs.
S/o Mohammad Iqbal Bhat
R/o Batamaloo, Srinagar.
8. MohsinAltafBazaz, age 33 Yrs.
S/o Altaf Hussain Bazaz,
R/o Batamaloo. Srinagar.
9. Abdul Rehman Narwaroo, age 52 Yrs.
S/o Ghulam Ahmad Narwaroo
R/o Qamarwari, Srinagar.
10. Mohammad HaniefBazaz, age 34 Yrs.
S/o Habibullah R/o Batamaloo, Srinagar.
11. Mohammad Lateef Bazaz, age 36 Yrs.
S/ Habibullah R/o Batamaloo, Srinagar.
12. Tariq Hussain Bazaz, age 32 Yrs.
S/o Habibullah Bazaz
R/o New Colony Batlamaloo

13. Mohammad Yousuf Dar (Aged: 41 Yrs)
S/O Ghulam Ahmad
R/O Idd Gah, Srinagar.
14. Mohammad Altaf Baba (Aged: 40 Yrs)
S/O Ghulam Mohammad Baba
R/O Qamerwari, Srinagar
15. Muheeb Altaf (Aged: 33 Yrs.)
S/O Mohammad Altaf
R/O Batamaloo, Srinagar
16. Bilal Ahmad Baba (Aged: 35 Yrs.)
S/O Ghulam Mohammad Baba
R/O Qamarwari, Srinagar, Kashmir
17. Abdul Wahid Dar (Aged: 33 Yrs.)
S/O Abdul Khaliq Dar
R/O Firdousabad Batamaloo, Srinagar, Kashmir
18. Abdul Qayoom Bhat (Aged: 42 Yrs.)
S/O Ghulam Mohammad Bhat
R/O Sheikh Dawood Colony, Batamaloo, Srinagar.

.....**Petitioners**

Through: Mr. G. A. Lone, Advocate.

Versus

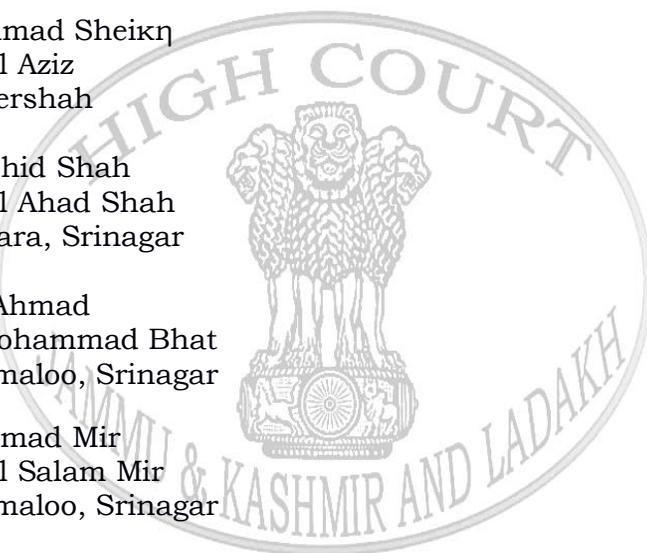
1. State Of Jammu & Kashmir Through Commissioner/Secretary To Govt. Housing & Urban Development Department Civil Secretariat Srinagar/Jammu
2. Divisional Commissioner, Kashmir
3. Deputy Commissioner Srinagar
4. Srinagar Municipal Corporation, Through Its Commissioner
5. Joint Commissioner (Adm) Srinagar Municipal Corporation
6. Superintending Engineer Roads & Buildings, Circle, Srinagar
7. The High Level Committee Headed By Divisional Commissioner Kashmir Constituted In Terms Of Order Of The Hon'ble Court Dated 14.05.2012.
8. The Sub-Committee Headed By Deputy Commissioner Srinagar Constituted By The High Level Committee.
9. Mohammad Rafiq
S/O Abdul Rehman
R/O Batamaloo, Srinagar
10. Mohammad Yousuf Beigh
S/O Abdul Gani Beigh
R/O Hyderpora, Srinagar

11. Abdul Qayoom Bhat
S/O Mohammad Ramzan
R/O Rambagh, Srinagar
12. Abdul Rashid Wani
S/O Abdul Gani
R/O Batamaloo, Srinagar
13. Ghulam Mohammad Malik
S/O Ghulam Rasool Malik
R/O Firdousabad, Batamaloo, Srinagar.
14. Mohammad Ajaz Zaroo
S/O Ghulam Mohammad
R/O Dalipora, Kawdara, Srinagar
15. Abdul Rehman Zargar
S/O Ghulam Mohammad Zargar
R/O Rainawari, Srinagar
16. Farooq Ahmad Dar
S/O Mohammad Ramzan
R/O Tengpora, Batamaloo, Srinagar
17. Abdul Gani Lone
S/O Abdul Rehman
R/O Parimpora, Srinagar
18. Mohammad Abdullah Bhat
S/O Mohammad Sultan Bhat
R/O Panzinara
19. Atta Mohammad
S/O Fakir Khan
R/O Dobhi Mohalla, Batamaloo, Srinagar
20. Shiekh Mohammad Yaseen
S/O Assadullah
R/O Nawakadal, Srinagar
21. Tariq Ahmad Mir
S/O Ghulam Ahmad
R/O Aloochoi Bagh, Srinagar
22. Mohammad Yousuf Wani
S/O Ghulam Ahmad Wani
R/O Zaldagar, Srinagar
23. Fayaz Ahmad Shah
S/O Ghulam Ahmad Shah
R/O Lal Bazar, Srinagar
24. Irshad Hussain
S/O Abdul Gani
R/O Idd Gah, Srinagar
25. Abdul Majid Dar
S/O Abdul Rehman
R/O Batamaloo, Srinagar

26. Abdul Rahim Dar
S/O Ghulam Rasool Dar
R/O Batamaloo, Srinagar
27. Imtiyaz Ahmad Shah
S/O Abdul Gani Shah
R/O Idd Gah, Srinagar
28. Mohammad Sultan Sheikh
S/O Mohammad Sidiq Sheikh
R/O New Colony, Batamaloo, Srinagar
29. Ghulam Qadir Reshi
S/O Habibullah Reshi
R/O Malik Sahib, Srinagar
30. Fida Mohammad
S/O Ali Mohammad
R/O Safa Kadal, Srinagar
31. Ghulam Nabi Bhat
S/O Abdul Gani Bhat
R/O Chattabal, Srinagar
32. Mohammad Ashraf Mir
S/O Ghulam Mohammad Mir
R/O Dhobi Mohalla, Srinagar
33. Mohammad Yousuf Reshi
S/O Abdullah Reshi
R/O Tangmarg
34. Abdul Gani Teeli
S/O Ghulam Rasool Teeli
R/O Batamaloo, Srinagar
35. Farooq Ahmad Bhat
S/O Ghulam Nabi Bhat
R/O Batamaloo, Srinagar
36. Ghulam Nabi
S/O Mohammad Ismail Bhat
R/O Batamaloo, Srinagar
37. Yaqoob Ahmad Kundjee
S/O Ghulam Mohammad
R/O Nawa Kadal, Srinagar
38. Zahoor Ahmad Bhat
S/O Ghulam Ahmad Bhat
R/O Batamaloo, Srinagar
39. Shakeel Ahmad Bhat
S/O Ghulam Ahmad Bhat
R/O Batamaloo, Srinagar.
40. Manzoor Ahmad Khan
S/O Ghulam Rasool Khan
R/O Chattabal, Srinagar



41. Mohammad Latief Sheikh
S/O Ghulam Mohammad
R/O Hawal, Srinagar
42. Nazir Ahmad Bhat
S/O Abdul Aziz Bhat
R/O Miskeen Bagh, Srinagar
43. Habibullah Sayeed
S/O Ismail Syeed
R/O Batamaloo, Srinagar
44. Sonauallah Mir
S/O Ghulam Qadir Mir
R/O Firdousabad, Batamaloo, Srinagar
45. Lateef Ahmad Bhat
S/O Mohammad Ramzan
R/O Batamaloo, Srinagar
46. Mushtaq Ahmad
S/O Ghulam Ahmad
R/O Batamaloo, Srinagar
47. Zahoor Ahmad Sheikh
S/O Abdul Aziz
R/O Barbershah
48. Abdul Rashid Shah
S/O Abdul Ahad Shah
R/O Gojwara, Srinagar
49. Mushtaq Ahmad
S/O Ali Mohammad Bhat
R/O Batamaloo, Srinagar
50. Farooq Ahmad Mir
S/O Abdul Salam Mir
R/O Batamaloo, Srinagar
51. Nisar Ahmad Sofi
S/O Ghulam Ahmad Sofi
R/O Firdous Abad, Batamaloo, Srinagar
52. Abdul Qayoom Reshi
S/O Noor Mohammad Reshi
R/O Moominabad, Batamaloo, Srinagar
53. Irfan Ul Rashid
S/O Abdul Rashid
R/O Rajbagh, Srinagar
54. Nisar Ahmad Bhat
S/O Ghulam Ahmad Bhat
R/O Batamaloo, Srinagar
55. Mohammad Shafi Sheikh
S/O Gh. Mohammad
R/O Gojwara, Srinagar

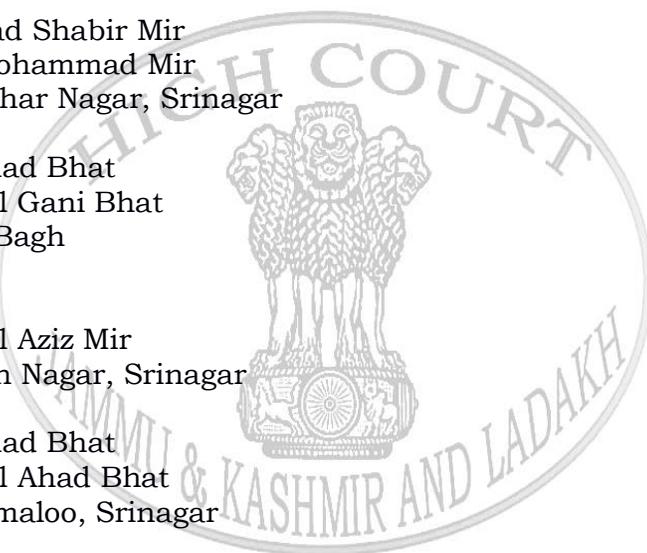


56. Mohammad Amin Joo
S/O Mohidin Joo
R/O Gasiyar, Hawal, Srinagar.
57. Farooq Ahmad Ganai
S/O Assadullah Ganai

R/O Tulwari, Gojwara, Srinagar
58. Abdul Gani Shah
S/O Ghulam Mohammad
R/O Idd Gah, Rathpora, Srinagar
59. Parvaiz Ahmad Wani
S/O Abdul Aziz
R/O Zaldagar, Srinagar
60. Farooq Ahmad Dandroo
S/O Mohammad Iqbal
R/O Karfali Mohalla, Srinagar
61. Mushtaq Ahmad Shunda
S/O Abdul Salam
R/O Hawal, Srinagar
62. Mohammad Iqbal Wani
S/O Ghulam Mohammad Wani
R/O Batamaloo, Srinagar
63. Mohammad Rafiq Wani
S/O Abdul Aziz Wani
R/O Zaldagar, Srinagar
64. Altaf Ahmad Reshi
S/O Ghulam Qadir
R/O Safa Kadal, Srinagar
65. Manzoor Ahmad Reshi
S/O Ghulam Qadir
R/O Safa Kadal, Srinagar
66. Abdul Gani Wani
S/O Habibullah Wani
R/O Pulwama
67. Ali Mohammad Sheikh
S/O Mohammad Anwar
R/O Batamaloo, Srinagar
68. Mohammad Ashraf Khan
S/O Ali Mohammad
R/O Chattabal, Srinagar
69. Ghulam Nabi Khan
S/O Mohammad Ramzan Khan
R/O Chattabal, Srinagar
70. Zahoor Ahmad Mir
S/O Ghulam Rasool
R/O Rajouri Kadal, Srinagar

71. Abdul Salam
S/O Mohammad Sultan
R/O Batamaloo, Srinagar
72. Mohammad Shafi Dar
S/O Ghulam Rasool Dar
R/O Batamaloo, Srinagar
73. Riyaz Ahmad Bhat
S/O Abdul Rehman Bhat
R/O Batamaloo, Srinagar
74. Bashir Ahmad Dar
S/O Ghulam Rasool Dar
R/O Batamaloo, Srinagar
75. Mehraj Ud Din
S/O Habibullah
R/O Rehbab Sahib, Srinagar
76. Mohammad Yousuf Mir
S/O Ghulam Nabi Mier
R/O Sarai Bala, Srinagar
77. Umer Khursheed
S/O Khursheed Ahmad
R/O Sarai Bala, Srinagar
78. Mohammad Maqbool Gujree
S/O Gh. Qadir
R/O Nawa Kadal, Srinagar.
79. Bilal Ahmad Bangroo
S/O Ghulam Mohammad
R/O Dhobi Mohalla, Batamaloo, Srinagar
80. Bashir Ahmad Bangroo
S/O Nazir Ahmad
R/O Kanipora Baghat
81. Arjoo Altaf
S/O Mohammad Altaf
R/O Karan Nagar, Srinagar
82. Mohammad Lateef
S/O Ghulam Rasool
R/O Fateh Kadal, Srinagar
83. Mir Rashid Ahmad
S/O Mir Ghulam Hassan
R/O Aloochoi Bagh, Srinagar
84. Bashir Ahmad Khan
S/O Ghulam Ahmad
R/O Kazgari Masjid, Srinagar
85. Abdul Gayoom Shan
S/O Habibullah Shah
R/O Batamaloo, Srinagar

86. Naveed Anjum
S/O Mohammad Yousuf
R/O Zaina Kadal, Srinagar.
87. Nazir Ahmad Wani
S/O Abdul Aziz Wani
R/O Batamaloo, Srinagar
88. Javid Ahmad Bhat
S/O Ghulam Ahmad Bhat
R/O K.P. Bagh
89. Rouf Ahmad Wani
S/O Ghulam Rasool Wani
R/O Batamaloo, Srinagar
90. Abdul Rehman
S/O Abdul Aziz
R/O Tengpora, Batamaloo, Srinagar
91. Basharat Ahmad
S/O Ghulam Ahmad
R/O Baghat Barzulla, Srinagar
92. Mohammad Shabir Mir
5/O Ali Mohammad Mir
R/O Jawahar Nagar, Srinagar
93. Rafiq Ahmad Bhat
S/O Abdul Gani Bhat
R/O K.P. Bagh
94. Sidiq Mir
S/O Abdul Aziz Mir
R/O Karan Nagar, Srinagar
95. Rafiq Ahmad Bhat
S/O Abdul Ahad Bhat
R/O Batamaloo, Srinagar
96. Mudasir Ahmad
S/O Abdul Hamid Wani
R/O Batamaloo, Srinagar
97. Tariq Ahmad Shora
S/O Ghulam Mohammad Shora
R/O Gagribal, Srinagar
98. Mehraj-Ud-Din Yatoo
S/O Ghulam Mohammad Yatoo
R/O Noor Bagh, Srinagar
99. Mohammad Sharied
S/O Ab. Khaliq Bhat
R/O Nowhatta Srinagar
100. Mohammad Shafi Tatoo
S/O Abdul Gaffar
R/O Peerbagh, Srinagar



101. Ovais Ahmad
S/O Abdul Ahad
R/O Rawalpora, Srinagar
102. Shakeel Ahmad
S/O Abdul Ahad
R/O Rawalpora, Srinagar
103. Yahya Khan
S/O Ali Mohammad Khan
R/O Batamaloo, Sringar
104. Touseef Ahmad
S/O Ali Mohammad Khan
R/O Rawalpora, Srinagar
105. Mohammad Akbar
5/O Mohammad Maqbool
R/O Lal Bazar, Srinagar
106. Syed Ghulam Mohammad Mir
S/O Syed Umer-Ud-Din Mir
R/O Karan Nagar, Srinagar
107. Abdul Rasheed
S/O Ghulam Mohammad
R/O Habba Kadal, Srinagar
108. Abdul Majeed
S/O Noor Mohammad
R/O Hawal, Srinagar
109. Shabir Ahmad Bhat
S/O Abdul Ahad
R/O Banpora, Batamaloo, Srinagar
110. Tariq Ahmad
5/O Bashir Ahmad
R/O Tengpora, Batamaloo, Srinagar
111. Shabir Ahmad Shah
S/O Ghulam Rasool Shah
R/O Basant Bagh, Srinagar
112. Ghulam Nabi Khan
S/O Mohammad Ismail Khan
R/O Batamaloo, Srinagar
113. Altaf Ahmad Bhat
S/O Sona Ullah Bhat
R/O Baghi Mehtab, Srinagar
114. Khurshid Ahmad
S/O Ghulam Mohammad
R/O Safa Kadal, Srinagar.
115. Arshid Ahmad
S/O Abdul Gani Wani
R/O Nawakadal, Srinagar



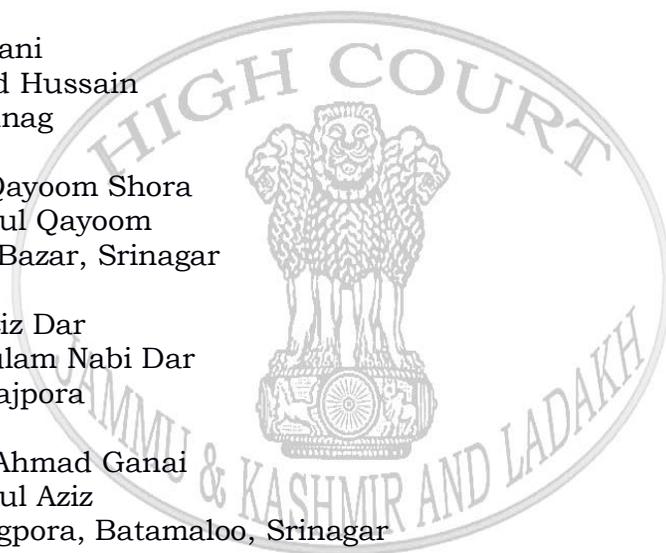
116. Mubashir Javid
S/O Javaid Ahmad
R/O Baghi Mehtab, Srinagar
117. M. Saqib Lone
S/O Habibullah Lone
R/O Khanyar, Srinagar
118. Mohammad Sultan Mir
S/O Ghulam Ahmad Mir
R/O Danderkah, Batamaloo, Srinagar
119. Abdul Qayoom Lone
S/O Ali Mohammad Lone
R/O Chanapora, Srinagar
120. Ghulam Mohammad Bhat
S/O Ghulam Rasool
R/O Hilal Abad, Qamarwari, Srinagar.
121. Khurshid Ahmad Rangrez
S/O Ghulam Rasool Rangrez
R/O Safa Kadal, Srinagar
104
122. Ghulam Mohammd Bhat
S/O Gulla Bhat
R/O Jawahar Nagar, Srinagar
123. Bilal Hamd Bhat
S/O Ghulam Mohammad Bhat
R/O Batamaloo, Srinagar
124. Fayaz Ahmad Dar
S/O Ghulam Rasool Dar
R/O Batamaloo, Srinagar
125. Mehraj-Ud-Din Sofi 125.
S/O Abdul Rehman Sofi
R/O Kani Kadal, Srinagar
126. Mohammad Rafiq Lone
S/O Mohammad Sultan Lone
R/O Batamaloo, Srinagar
127. Fayaz Ahmad Dandroo
S/O Habibullah Dandroo
R/O Karfali Mohalla, Srinagar
128. Mohammad Iqbal Bhat
S/O Mohammad Shaban Bhat
R/O K.P. Bagh, Srinagar
129. Tariq Ahmad
S/O Ghulam Mohammad
R/O Gangbug
130. Farooq Ahmad Wani
S/O Ghulam Rasool Wani
R/O Eidgah, Srinagar

131. Javid Ahmad Bhat
S/O Abdul Ahad Bhat
R/O Bandipora
132. Javaid Ahmad Mir
S/O Mohammad Iqbal Mir
R/O Batamaloo, Srinagar
133. Nazir Ahmad
S/O Ghulam Qadir
R/O Haftchinar, Srinagar
134. Azad Ahmad Khan
S/O Mohammad Amin Khan
R/O Nowhatta, Srinagar
135. Tauseef Maqbool Bhat
S/O Mohammad Maqbool Bhat
R/O Nalbandpora, Safakadal, Srinagar
136. Rafiq Ahmad Ahanger
S/O Ghulam Qadir Ahanger
R/O Batamaldo, Srinagar
137. Zahoor Ahmad Khan
S/O Ghulam Mohammad Khan
R/O Lal Bazar, Srinagar
138. Manzoor Ahmad Sheikh
S/O Habibullah Sheikh
R/O Chota Bazar, Srinagar
139. Rafiq Ahmad Matoo
S/O Ghulam Mohammad Matoo
R/O Batmaloo, Srinagar
140. Shabir Ali Wani
S/O Mohammad Afzal Wani
R/O Sajidabad, Chatabal, Srinagar
141. Abdul Majeed Dar
S/O Ghulam Rasool Dar
R/O Tengpora, Bypass, Srinagar
142. Ghulam Rasool Shah
S/O Ghulam Mohammad Shah
R/O Rajbagh, Srinagar
143. Furqan Fayaz
S/O Fayaz Ahmad
R/O Rawalpora, Srinagar
144. Ishtiyaq Ahmad Wani
S/O Ghulam Nabi Wani
R/O Latter Masjid, Safa Kadal, Srinagar
145. Ghulam Nabi Wani
S/O Ghulam Rasool Wani
R/O Barzulla, Srinagar

146. Ashiq Hussain
S/O Abdul Aziz
R/O Airport Road, Rawalpora, Srinagar
147. Javaid Ahmad Wani
S/O Mohammad Sultan Wani
R/O Dangerpora, Batmaloo, Srinagar
148. Muzamil Yousuf
5/O Mohammad Yousuf
R/O Noorbagh, Srinagar
149. Ashiq Hussain Shalla
S/o Ghulam Mohammad Shalla
R/O Bhajbara
150. Nisar Ahmad Kandi
S/O Abdul Gani
R/O Kawdara, Srinagar
151. Auaz Ahmad Wani
S/O Ghulam Nabi Wani
R/O Barzulla, Srinagar
152. Ghulam Ahmad Bhat
S/O Mushtaq Ahmad Bhat
R/O Khwaja Bazar, Srinagar
153. Umar Ahsraf Gassi
S/O Mohammad Ashraf Gassi
R/O Gogji Bagh, Srinagar
154. Sajid Ahmad Bhat
S/O Abdul Aziz Bhat
R/O Safakadal, Srinagar
155. Touseef Hassan
S/O Atta Ullah
R/O Kani Kadal, Srinagar
156. Mohammad Abdullah Wani
S/O Abdul Ahad Wani
R/O Shaheed Gunj, Srinagar
157. Abid Ahmad
S/O P.A. Shah
R/O Qamarwari, Srinagar
158. Mohammad Saleem Wani
S/O M.A. Wani
R/O Neelam Chowk, Srinagar
159. Mohammad Sidiq Wani
S/O Mohammad Akbar Wani
R/O K.P. Bagh
160. Mukhtar Ahmad
S/O Ghulam Nabi Sheikh
R/O Lal Bazar, Srinagar

161. Fayaz Ahmad Bhat
S/O Abdul Razak Bhat
R/O Lachmanpora, Srinagar
162. Riyaz Ahmad Shah
S/O Ghulam Mohi-Ud-Din Shah
R/O Vecharnag, Nowhatta, Srinagar
163. Abdul Qayoom Wani
S/O Ghulam Rasool Wani
R/O Safakadal, Srinagar
164. Javaid Ahmad Kuloo
S/O Ghulam Rasool Kuloo
R/O Mujahid Manzil, Srinagar
165. Abdul Hamid Mir
S/O Ali Mohammad Mir
R/O Harwan, Srinagar
166. Abdul Majeed Bhat
S/O Abdul Salam Bhat
R/O Gogji Bagh, Srinagar
167. Bashir Ahmad Dar
S/O Ghulam Mohammad Dar
R/O Baghi Mehtab, Srinagar
168. Riyaz Ahmad
S/O Abdul Kareem
R/O K.P. Bagh
169. Firdous Ahmad Dar
S/O Ghulam Nabi Dar
R/O Firdous Abad, Batamaloo, Srinagar
170. Mohammad Yaseen Khan
S/O Ali Mohammad Khan
R/O Gulshan Colony, Aloocho Bagh, Srinagar
171. Abdul Razak Bhat
S/O Fateh Bhat
R/O Karfali Mohalla, Srinagar
172. Ghulam Mohammad Matta
S/O Mohammad Shaban Matta
R/O Tankipora, Srinagar
173. Fayaz Ahmad Bhat
S/O Mohammad Shaban Bhat
R/O K.P. Bagh
174. Basharat Ahmad
S/O Ali Mohammad
R/O Safakadal, Srinagar
175. Mohammad Afzal Khan
S/O Ghulam Nabi Khan
R/O Zaldagar, Srinagar

176. Abdul Rouf Ganai
S/O Abdul Rehman
R/O Tengpora, Batamaloo, Srinagar
177. Gulzar Ahmad Sheikh
S/O Ghulam Qadir Shiekh
R/O Batamaloo, Srinagar
178. Abdul Rasheed Lone
S/O Khazir Mohammad Lone
R/O Soura, Srinagar
179. Nazir Ahmad Dundroo
S/O Sattar Dundroo
R/O Safakadal, Srinagar
180. Ovais Ahmad
S/O Ghulam Nabi
R/O Zaina Kadal, Srinagar
181. Abdul Rasheed
S/O Ghulam Nabi Shah
R/O Lachmanpora, Srinagar
182. S.R. Jeelani
S/O Syed Hussain
R/O Verinag
183. Junaid Qayoom Shora
S/O Abdul Qayoom
R/O Lal Bazar, Srinagar
184. Abdul Aziz Dar
S/O Ghulam Nabi Dar
R/O Akrajpora
185. Muneer Ahmad Ganai
S/O Abdul Aziz
R/O Tengpora, Batamaloo, Srinagar
186. Mubashir Rashid
S/O Abdul Rashid Wani
R/O Nawab Bazar, Srinagar
187. Ehsan
S/O Altaf Ahmad
R/O Safakadal, Srinagar
188. Shoib Ahmad
S/O Zahoor Ahmad Wani
R/O Zaina Kadal, Srinagar
189. Mushtaq Ahmad Kak
S/O Ghulam Mohammad Kak
R/O Safa Kadal, Srinagar
190. Mukhtar Ahmad
S/O Ghulam Mohammad Najar
R/O Kirmaniabad, Srinagar



191. Ghulam Qadir
S/O Khazir Mohammad
R/O Maharaja Bazar, Srinagar
192. Noor Mohammad Tenga
S/O Abdul Khaliq
R/O Maharaja Bazar, Srinagar
193. Bashir Ahmad Bhat
S/O Mohammad Abdullah
R/O Safa Kadal, Srinagar.

Through: Mr. Bikram Deep Singh, Dy. AG.
Mr. M. I. Dar, Advocate with
Ms. Sana Imam, Advocate.

...Respondent(s)

CORAM:

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

ORDER
16.12.2025

01. The petitioners in the instant petition have sought the following reliefs which are reproduced as below:

- (i) *Writ, order or direction in the nature of certiorari for quashing the recommendations of the committee made in favour of respondents 9 to 86 and other claimant;*
- (ii) *Writ, order or direction in the nature of mandamus commanding the constitution of the extended committee brought into existence in violation of judgment of the Hon'ble Court dated 14.05.2012 as illegal and also to quash the same by grant of writ of certiorari;*
- (iii) *Writ, Order or direction in the nature of Mandamus commanding the respondents to allot the shops in favour of petitioners as they are conducting their business in the shops in existence in Sector-6 Batamaloo adjacent to the newly constructed shopping*

complex, to be dislocated or removed due to road widening.

(iv) Writ, Order or direction in the nature of Mandamus holding the draw of lots as unnecessary as the number of eligible and bona fide claimants are less than the number of shops available in the shopping complex.

(v) Writ, Order or direction in the nature of Mandamus commanding the respondents to allot the shops in favour of petitioners on priority basis in the newly constructed shopping complex in Sector-6 Batamaloo.

(v) Any other order, writ or direction which the Hon'ble Court may deem fit may also be passed.

Brief facts:

02. The present writ petition challenges the rehabilitation and allotment process of shops in the Sector-6 Shopping Complex, Batamaloo, Srinagar, which was undertaken in compliance with the judgment dated 14.05.2012 passed by this Court in a large batch of writ petitions including OWP Nos. 226/2008, 136/2008, 910/2006, 890/2007, 98/2007, 183/2008, 278/2007, 229/2003, 888/2006, 159/2007 and 1594/2011. In the said matters, this Court had constituted a high-level Committee headed by the Divisional Commissioner, Kashmir, and assisted by the Joint Commissioner (Administration), Srinagar Municipal Corporation and the Superintending Engineer, Roads & Buildings, Srinagar, for the exclusive purpose of determining the eligibility of claimants.

03. In compliance of the directions of this Court, the Committee headed by Divisional Commissioner co-opted three more members viz Deputy Commissioner, Srinagar, Commissioner Srinagar Municipal Corporation (SMC), and Vice Chairman Srinagar Development Authority (SDA) to make it a *broad based committee* and discuss the steps to be taken for determination of rightful claimants of shops. The Commissioner SMC, Srinagar issued wide public notices in leading local newspapers inviting all claimants, vendors, and persons claiming any right or interest in Sector-6 Shopping Complex, Batamaloo, to appear and submit relevant documentary material. Upon receipt of claims, the Committee examined each document objectively. Out of 418 persons who were expected to participate in the process, only 212 individuals produced the requisite documents, whereas 206 failed to produce the relevant documents in support of their claims.

04. The petitioners, through the present writ petition, have challenged the recommendations of the constituted Committee insofar as they relate to respondents 9 to 86 and other eligible claimants and have also sought the quashment of the same.

05. The petitioners have also questioned the constitution of the *broad based committee* and have alleged that the same was brought into existence in violation of the judgment dated 14.05.2012 passed by this Court, seeking a declaration that the said Committee and its actions are illegal.
06. That the petitioners have asserted that holding of a draw of lots is unnecessary on the premise that the number of eligible and bona fide claimants is allegedly less than the number of shops available in the shopping complex.
07. That the petitioners have also claimed that they are entitled to priority in allotment of shops and have sought directions for preferential allotment in the newly constructed shopping complex at Sector-6, Batamaloo.

ARGUEMENTS ON BEHALF OF PETITIONERS

08. Mr. G. A. Lone, learned counsel appearing on behalf of the petitioner has drawn the attention of the Court to the order/judgment dated 14th of May, 2012 passed by this Court in a batch of petitions preferred by the petitioners herein. By virtue of aforesaid order/judgemnet, the writ petition on the consensus of the parties, were disposed of in the following terms.

i/ A Committee, headed by Divisional Commissioner Kashmir having as its members. Joint Commissioner Administration, Srinagar

Municipal Corporation and Superintending Engineer, Roads & Buildings. Circle Srinagar is constituted to determine the eligibility of the claimants, who are otherwise as petitioners or respondents/parties to the writ petitions on hand for allotment of shops in Sector 6, Shopping Complex, Batamaloo. The Committee, needless to say, shall examine each and every case on individual basis and determine the eligibility on the basis of impeccable record whatever made available to it;

ii/ The Committee shall conclude its enquiry and make recommendations to the Authority competent to make allotment within three months from 01/06/2012:

iii/ The Authority, competent to allot the shops. shall act upon the recommendations so made and issue the allotment orders in favour of the genuine and eligible claimants within four weeks thereafter:

iv/ The existing Khokhas, if any, in possession of some of the petitioners/respondents in the above writ petitions and used by them to carry on their business, shall be removed only after the High Level Committee makes its recommendations and allotments are made in favour of genuine and eligible claimants:

v/ The amount received by Srinagar Municipal Corporation in consideration of allotment of shops from such of the claimants, who are not found eligible by the High Level Committee, shall be returned to them within one month after the High Level Committee submits the report, with interest at the prevalent bank rate from the date of deposit of the amount till its payment:

vi/ In case the number of eligible claimants, as determined by the High Level Committee, is more than the number of shops available in the Shopping Complex, Sector-6. proposed to be

constructed, the respondents shall take immediate steps for supplementing the available shops at appropriate place in accordance with the policy/guidelines in vogue, so that the allotment in favour of such eligible claimant/s is not deferred beyond six months from the date the competent Authority makes the allotment in favour of the eligible claimant/s accommodated in the Sector-6. Shopping Complex Batamaloo:

vii/ In the event, the number of eligible claimants exceeds the number of available shops in Sector 6, Shopping Complex. Batamaloo, the allotment shall be made by draw of lots in a fair and transparent manner. While learned counsel for the parties agreed to allotment of shops to the claimants found eligible by the High Level Committee by draw of lots. Mr. Lone, voices his reservation, insisting that the claimants found eligible and who carry on their business in the Khokhas not removed till date, deserve to be given preference in the allotment. It is pertinent to point out that quite a good number of claimants have lost their business and are left without any source of livelihood as their Khokhas have already been demolished for the purposes of road widening and in public interest. The claimants, whose .Khokhas are yet to be demolished are, thus, in a better position as against the claimants. Whose Khokhas have been since demolished. Such of the claimants, whose Khokhas are existing till date have been, at least, in a position to continue their business as against the claimants, whose Khokhas, as already pointed out, stand already demolished. So viewed, the claimants. Whose Khokhas are existing, though proposed to be demolished, cannot claim a preferential right as against the claimants, who are left without business and deprived of the only source of livelihood. There are no equities in favour of the claimants, who continue to run their business in the Khokhas

existing on date, though proposed to be demolished, Against the said backdrop, draw of lots is the only appropriate. fair and just mode to make the allotment in favour of eligible claimants in the event the number of eligible claimants, determined by the High Level Committee, exceeds the number of available shops in Sector-6. Shopping Complex. Batamaloo.

09. The learned counsel for the petitioners has argued that the respondents ought to have constituted the committee strictly as per the aforesaid judgment which means that only the Divisional Commissioner, Kashmir; the Joint Commissioner (Administration) and the Superintending Engineer (R & B) ought to have been the members of the said Committee. The further case of the petitioners is that the Committee headed by the Divisional Commissioner, Kashmir is in derogation to the mandate and the spirit of judgment supra, as the committee has co-opted three additional members, namely, the Deputy Commissioner, Srinagar; the Commissioner, SMC and the Vice Chairman, SDA to make a broad-based Committee with a view to discuss the steps to be taken for determination of rightful claimants of shops.

10. With a view of expanding the composition of the said Committee, the following officers participated in the said meeting.

01. Deputy Commissioner, Srinagar.

02. Vice Chairman, S.D.A.

03. Commissioner, SMC.

04. Superintending Engineer R&B.

05. Joint Commissioner, SMC (Adm)

11. The learned counsel further submits that the Committee decided that the Commissioner, SMC shall issue an advertisement and call upon all claimants of shops to appear before him along with specified documents. According to the learned counsel, by virtue of the said decision, the said Committee has called everyone which was not within the scope and ambit of the direction passed by the learned Writ Court. The very purpose of constituting the Committee was solely to facilitate the rehabilitation of the petitioners and therefore, the scope could not have been expanded to include the general public, but only those persons who were entitled to consideration for rehabilitation.

12. Thus, it is contended that the decision taken by the said Committee, being contrary to the mandate of the order passed by this Court, cannot withstand the test of law as

it runs in derogation of the mandate and spirit of the directions issued by the learned Writ Court.

13. The meeting was followed by yet another meeting in which a decision was taken on 31st of December, 2012 wherein, on the basis of the report submitted in respect of every individual, a list of those whose claims were recommended to be rejected was prepared for scrutiny of the Committee. The Sub-Committee, under the chairmanship of the Deputy Commissioner, Srinagar accordingly decided to place the aforesaid verification-cum-recommendation report, supported by documents before the Committee headed by the Divisional Commissioner, Kashmir for conclusion and for making recommendations in the case to the competent authority for allotment of shops to the rightful claimants. The matter, however, did not end over here.
14. Another decision was thereafter taken by the concerned Superintending Engineer (R & B) Circle, Srinagar; the Joint Commissioner, SMC and the Divisional Commissioner, Kashmir on 15th of March, 2013 wherein the said Committee which was in fact the Committee constituted by the Court decided that the verification

conducted by the Sub-Committee on the basis of the record and spot inspection had been thoroughly perused and the recommendations made by the Sub-Committee under the chairmanship of the Deputy Commissioner, Srinagar were accepted in *toto* and forwarded to the competent authority for further necessary action in light of the Court order dated 14th of May, 2012 passed in the instant case. The said decision is the subject matter of the instant petition.

ARGUEMENTS ON BEHALF OF OFFICIAL RESPONDENTS:

15. While the matter was being heard by this Court, a specific query was raised to Mr. Bikram Deep Singh, learned Deputy Advocate General appearing on behalf of the official respondents to satisfy how and under what circumstances, the Committee could delegate the power to the Sub-Committee or co-opt additional members when there was no specific direction in this regard by the learned Writ court.
16. Mr. Bikram Deep Singh, learned Deputy Advocate General appearing on behalf of the official respondents in order to justify the action on the part of the respondents vehemently argued that since it was a complex issue involving many claimants, a decision was taken by the Committee headed by the Divisional Commissioner,

Kashmir to co-opt other members with a view to discuss the steps to be taken for determination of the rightful claimants of the shops. In the aforesaid backdrop and keeping in view the bonafides on part of the respondents that only genuine claimants are allotted the shops, the Divisional Commissioner, Kashmir took the step of co-opting additional members in the said Committee and the scope of the said Committee was broadened with a view to achieve that object by allowing the Deputy Commissioner, Srinagar; the Vice Chairman, SDA; the Commissioner SMC; the Superintendent Engineer (R & B) and the Joint Commissioner, SMC to function as members of the said Committee.

17. Thus, as per respondents the decision taken by the Government to expand the composition of the said Committee was laudable and based on a bona fide belief that the Committee should act in tune with the directions passed by the learned Writ Court to examine each and every case on individual basis and determine the eligibility on the basis of impeccable records. Since a proper decision could not have been taken by the three members originally constituted by the learned Writ Court, the scope of the said Committee was broadened by

including the aforesaid officers, so that a proper and genuine decision could be taken.

18. Learned Deputy Advocate General appearing on behalf of the official respondents further submits that the instant writ petition, which was initially preferred by 18 petitioners, was dismissed in default by virtue of an order 30.05.2024. Pursuant to this order, an application for restoration of the aforesaid writ petition was filed, which was allowed only on behalf of nine petitioners, therefore, the learned counsel for the petitioners has confined his arguments only on behalf of those nine petitioners, namely, petitioner Nos. 1, 2, 3, 8, 10, 11, 12, 15 and 17.
19. Mr. Singh has further argued with regard to the maintainability of the instant petition and submitted that the writ petition is not maintainable as the petitioners have no locus to file the instant petition, having not fulfilled the eligibility conditions. The eligibility of each petitioner has been discussed in detail in the reply affidavit filed on behalf of the respondent Nos. 4 and 5. The Learned counsel vehemently argued that the petitioners do not have any locus to file the instant petition and on this ground alone, the writ petition is not maintainable and liable to be dismissed.

20. He further submits that it is very strange case where the petitioners who did not have any locus have stalled the process of allotment of shops to the rightful claimants numbering 112 in number and got the interim order way back on 3rd June, 2013, which continues to be operational as on date even after a lapse of more than twelve years. As a consequence, the rightful claimants have suffered irreparably.
21. He further contends that at this stage only the nine petitioners are agitating the cause, stalling the process of more than hundred genuine claimants, who have undergone due process and were selected by the committee. The Learned Counsel submits that the writ petition has been preferred by the petitioners for obvious reasons and with malafide intentions with a view to stall the entire process of allocation of shops in favour of the rightful claimants. Thus, because of the rider imposed by this Court not only the Government has suffered huge monetary loss but the private respondents have been put to disadvantageous position because of continuance of the interim order and this loss which the genuine claimants have suffered cannot be compensated by

any means whatsoever, as the writ petition has been preferred solely for malafide reasons.

22. Mr. Bikram Deep Singh further submitted that even the majority of the petitioners who are agitating the case are in fact encroachers and have no right whatsoever to agitate the scope and ambit of initiating enquiry or else finding recorded by the said committee on the basis of which, the allocation was required to be made in favour of the rightful claimants.

23. The learned counsel further submitted that no legal, fundamental or statutory right of the petitioners has been infringed which could have been the basis for filing of the instant writ petition.

ARGUMENTS ON BEHALF OF PRIVATE RESPONDENTS:

24. Mr. M. I. Dar, learned counsel representing the private respondents who have filed two sets of replies in the instant petition, vehemently argues that the entire process has been initiated strictly in tune with the orders passed by this court in the clubbed petitions, which have been decided by a common judgment dated 14.05.2012. It is submitted that by virtue of the said judgment, the writ petitions

preferred by those petitioners in which the present petitioners were also parties, was disposed of by common judgment.

25. The learned counsel appearing on behalf of the private respondents, has laid much emphasis viz-a-viz the direction issued by the Coordinate Bench, wherein it was made clear that existing Khokhas, if any, in possession of the petitioners/respondents in the writ petitions preferred by way of first round of litigation and used by them for carrying on their business, shall be removed only after the High Level Committee submits its recommendations and allotments are made in favour of the genuine and eligible claimants.

26. Learned counsel further submits that since the findings have already been given by the High Level Committee constituted in this regard, and the said recommendations are binding on the Government, consequently the Government is under a legal obligation, qua both the petitioners and the respondents, to implement the said directions passed by this court in its letter and spirit. It is contended that the petitioners, for obvious reasons and with an

oblique motive, have filed the instant petition with the intention to frustrate the judgment passed by the Coordinate Bench and also with a view to stall the entire process, so as to prevent allotment of the shops to the rightful claimants.

27. Learned counsel further submits that it is very strange case which is being pursued now at the behest of nine petitioners who, according to him, have no locus standi and have no right whatsoever to stall the entire process, wherein 108 shops ought to have been allotted to genuine claimants. In a way, nine petitioners have stalled the allotment of shops in favour genuine and rightful claimants and their families have suffered for more than twelve years and huge loss has been caused to Government exchequer, because of the restraint order issued by this court which by no stretch of imagination can be compensated/condoned at this stage.

28. It is submitted that, had there be no restraint order, the Government would have earned huge revenue from the aforesaid shops. Not only this, even the private respondents, had the allotments been made in their favour, would have earned their livelihood.

However, owing to the conduct of the petitioners, the private respondents have been placed in a disadvantageous position and are suffering recurring loss.

29. Lastly, Mr. M. I. Dar, learned counsel, has invited the attention of this court to the report of the Committee constituted in this regard headed by the Divisional Commissioner, Kashmir. A perusal of the report reveals that the role of the Deputy Commissioner, Srinagar, and the SP South, Srinagar was limited to the extent of verification of the character, antecedents, and full particulars of the claimants in question, so as to reconcile the same with the available records pertaining to the claimants of the shops. Therefore, it cannot, by any stretch of imagination, be construed that the Deputy Commissioner and the SP South, Srinagar, are roped without any justifiable cause in the said Committee which was constituted pursuant to the directions passed by the Court. Their role was only confined to facilitate the committee and verify the genuine claimants so that the allotment of shops is made in favour of rightful claimants. Thus, the arguments

advanced by the learned counsel for the petitioners that the Committee which has been constituted is in direct conflict to the directions of the Court is wholly misconceived and unsustainable in the eyes of law.

30. The learned counsel further submits that upon scrutiny of the documents furnished by the claimants, 19 shopkeepers out of Bridge Footpath Union were found to be genuine and out of 18 SMC T.G. Rent Khokhas 15 were found having genuine documents, but out of these 14 have sublet their Khokhas. The Committee further noticed that 29 Khokhas erected by various Masjid Committees and given on rent to different persons were considered as they have neither deposited the premium nor letter of intent has been issued to anyone of them. Out of 289 claimants of Young Footpath Union, none is existing at the site, however, on scrutiny of documents furnished by them only 72 were found genuine out of the other claimants and only 6 were found genuine on the basis of the documents furnished by them and available in SMC office. In all, 112 claimants were found to have genuine documents and out of these 14 Khokha owners have sublet their Khokhas, 33

claimants were found to have sold their documents and sublet their shops before allotment.

31. In the aforesaid backdrop, the recommendations of the Sub-Committee constituted under the chairmanship of the Deputy Commissioner, Srinagar, were accepted in *toto* by the Committee constituted by this court, and all the three members whose names find mentioned in the order/judgment of this court were signatory to the same.

LEGAL ANALYSIS

32. Heard learned counsel for the parties and perused the record with due circumspection.
33. The fulcrum of challenge rests on the plea that the Committee, as originally constituted by this Court, could not have co-opted additional officers or sought assistance of a Sub-Committee.
34. The directions contained in the judgment dated 14.05.2012 were aimed at ensuring a fair, transparent and objective identification of eligible claimants. The constitution of the Committee was an instrumentality to achieve that object and not an end in itself. The power to seek assistance, verification and ancillary support is implicit in the discharge of such administrative and fact-

finding functions, more so when the task involved large-scale scrutiny of claims running into hundreds.

35. The record reveals that the core Committee, as envisaged by the order of this Court, remained intact and actively participated in the decision-making process. The role of additional officers, including the Deputy Commissioner and other functionaries, was merely facilitative in nature, confined to verification of records, spot inspections and antecedent checks. Such assistance cannot be construed as usurpation or delegation of powers.

36. Reliance is placed on the judgement of Hon'ble Supreme Court in **Sidhartha Sarawgi v. Kolkata Port**, reported as **(2014) 16 SCC 248**, wherein the Court as under:

"While there cannot be sub delegation of essential functions, in order to achieve the intended object of the delegation, non-essential functions can be sub-delegated to be performed under the supervision and authority of the delegate."

37. Furthermore, Hon'ble Supreme Court in **Inspector General of Registration v. K. Baskaran**, reported as **(2020) 14 SCC 345**, While citing Sidhartha Sarawgi v. Kolkata Port, reiterated as under:

"So long as the essential decision-making function is performed by the delegate, the burden of performing the ancillary and clerical tasks need not be shouldered by the primary delegate".

38. Applying the above principles to the instant case, it becomes evident that the Committee constituted by this Court was not rendered powerless or inflexible in its functioning. Once the Court entrusted the Committee with a specific mandate, the law permitted it to adopt any reasonable ancillary mechanism necessary for the effective discharge of that mandate, so long as the core decision-making authority remained with the Committee itself. Therefore, the Committee was well within its legal competence to co-opt additional officers possessing technical expertise, local knowledge, or administrative experience, if such assistance was required for a more comprehensive examination of the issues before it.
39. Similarly, the Committee constituted by the orders of the Court was within its rights to constitute a Sub-Committee for carrying out supportive tasks that are incidental to the final adjudicatory or recommendatory function. The creation of such a Sub-Committee would not dilute the Committee's authority nor amount to an abdication of its essential function; rather, it would represent a lawful and efficient internal arrangement designed to aid its functioning. What the law prohibits is the delegation of the essential decision-making responsibility itself, not the delegation of ancillary work.

Therefore, the contention raised by the petitioners that the Committee lacked the authority to co-opt members or take assistance from a Sub-Committee stands contrary to the settled principles of law.

40. The plea that the Committee travelled beyond the scope of the Court's directions by inviting claimants through public notice is equally misconceived. The very purpose of the exercise was to identify genuine and eligible claimants from amongst all stakeholders who were parties or claimants in the earlier proceedings. The process of notice and hearing is a facet of fairness and not a deviation from judicial mandate.

41. The material on record further indicates that the claims of the petitioners were rejected on grounds that are specific, cogent, and supported by the record. Petitioner No. 1's case was rejected due to contradictions in the documents submitted. Petitioner No. 1 has since expired, and the khokha is presently being run by his son, who failed to intimate the authorities regarding the change of address. Similarly, petitioner No. 2 produced certain documents but did not submit the mandatory affidavit declaring that he was not a government employee; but the record indicates that he was serving in the Transport Department. Petitioner No. 3 had discrepancies in his

parentage as reflected in the Letter of Intent and the State Subject Certificate, and further failed to deposit the balance premium amount despite being granted adequate time.

42. In so far as petitioner No. 4, a T.G. Rent Site holder, had sublet the site to a third party in clear violation of the terms of allotment, which prohibit subletting without authorization from the Municipal Corporation. Consequently, he was ineligible for allotment of a shop in the Sector-6 complex. Petitioner No. 5 neither personally appeared nor submitted any documents himself and had transferred his rights to his brother, which is impermissible under the applicable norms, leading to rejection of his claim. Petitioner No. 6 had several inconsistencies in his documents relating to his age, parentage, and other particulars. Petitioner No. 7 also had contradictions with respect to his age and name in the Letter of Intent, ration card, and affidavit, as the records show that he was only 13 years old in 1995, rendering him ineligible.

43. Similarly, Petitioner No. 8 had contradictions in his parentage. His Letter of Intent recorded his name as Abid Altaf, whereas other documents reflected him as Altaf Hussain. He was also 12 years old at the time of issuance

of the Letter of Intent, and his father was already enlisted for allotment. Petitioner No. 9 did not personally submit documents and was represented by another individual; and his case also involved subletting, leading to rejection. Petitioner No. 10 was 18 years old in 1996 and had never been issued a Letter of Intent; Petitioners No. 11 and 12 were likewise never issued any Letters of Intent. Petitioner No. 13 failed to furnish the requisite documents and had no Letter of Intent issued in his favour. Petitioner No. 14 failed to submit complete documents; his photographs did not match earlier records, and he was a minor at the time of registration. Petitioner No. 15 submitted incomplete documents through another person, possessed no Letter of Intent, and had not deposited the required initial payment. Petitioners No. 16 to 18 do not figure anywhere in the records of the Municipal Corporation.

44. The petitioners have also contended that the number of genuine and bona fide claimants is less than the number of available shops and, therefore, no occasion arises for conducting a draw of lots. However, the material placed on record demonstrates that the number of eligible claimants exceeds the number of shops available. This Court, vide its judgment dated 14.05.2012, has

categorically directed that in the event the number of eligible claimants exceeds the number of available shops in Sector-6 Shopping Complex, Batmaloo, the allotment shall be made strictly by way of draw of lots.

45. Although learned counsel for the petitioners had, at the relevant point of time, expressed reservations regarding the said mode of allotment, the same were expressly considered and rejected by this Court in the earlier round of litigation mentioned supra, which held that draw of lots is the only appropriate, fair and just method for allotment in such circumstances. The High-Level Committee, pursuant to the directions of this Court, conducted verification and found 112 eligible claimants for 108 available shops. In view of this factual position, the official respondents were legally bound to act in conformity with the judgment dated 14.05.2012 and were under a mandatory obligation to conduct the draw of lots.

46. Once the issue of allotment by draw of lots stands conclusively settled by this Court, the same cannot be re-agitated or reopened in the guise of the present writ petition.

47. Furthermore, the petitioners have contended that the Hon'ble Supreme Court has upheld the principle that

displaced shopkeepers whose establishments have been demolished are entitled to priority allotment in the newly constructed shopping complex. However, no material whatsoever, including any judgment or order, has been placed on record to substantiate the said contention, and the plea remains a bald assertion unsupported by any documentary evidence.

48. It is also borne out from the record that the writ petition was earlier dismissed in default and has been restored only at the instance of nine petitioners. These petitioners cannot be permitted to espouse the cause of all original writ petitioners, nor can they seek to be permitted to stall the otherwise concluded process affecting the rights of more than hundred claimants, who have already been found eligible upon due verification.
49. The objection of locus standi, as raised by the official and private respondents, deserves acceptance. The reply affidavits disclose that the present petitioners were found ineligible and failed to satisfy the eligibility criteria. In absence of any enforceable legal, statutory or fundamental right, the writ jurisdiction cannot be invoked to perpetuate uncertainty or to stall the implementation of a lawful process.

50. The interim order dated **03.06.2013** has remained in operation for more than twelve years, thereby causing serious and irreversible prejudice to the **State Exchequer** as well as to the private respondents. During this prolonged period, the public authority has been prevented from putting the commercial shopping complex to its intended and productive use, resulting in persistent loss of substantial public revenue. The shops, which were constructed from public funds and meant to be allotted for commercial exploitation, have remained unutilized, thereby depriving the State of lease premium, license fee, rent, and other statutory charges that would otherwise have accrued on a regular basis.
51. As per the information furnished by the Revenue Officer, Srinagar Municipal Corporation, the Court was apprised that, owing to the pendency of the present litigation, a loss of ₹1,42,41,981/- (Rupees One Crore Forty-Two Lakh Forty-One Thousand Nine Hundred Eighty-One only) towards rental dues and a further loss of ₹1,50,00,000/- (Rupees One Crore Fifty Lakh only) towards premium, aggregating to ₹2,92,41,981/- (Rupees Two Crore Ninety-Two Lakh Forty-One Thousand Nine Hundred Eighty-One only), was caused in respect of 108 (One Hundred Eight) shops of the Municipal Shopping

Complex, Sector-6, Batamaloo, Srinagar, for the period from 2009 up to 31.03.2026.

52. The pendency of the present litigation has not only resulted in approximately three crore loss to public exchequer, but also to genuine and eligible claimants. Such loss is a direct consequence of the prolonged pendency of the litigation, which has deprived the State of legitimate revenue while simultaneously denying bona fide claimants a fair opportunity to participate in a lawful and transparent allotment process. Thus, the prolonged subsistence of the interim order effectively thwarted the revenue-generating potential of a valuable public asset, causing recurring fiscal loss to the State exchequer.
53. The record further shows that the private respondents, who have already suffered significant hardship due to prolonged litigation, not only submitted all documents required by the Committee but also financed the construction of the Sector-6 Shopping Complex, Batamaloo. Pursuant to the Letters of Intent issued by SMC in 2003 and thereafter, respondents 9 to 80 collectively deposited ₹1,73,55,000/- for development of the complex on a self-finance basis, out of which SMC utilized ₹1,53,00,000/- for construction. The project was thus executed entirely through the financial

contributions of the private respondents, and without their funds, the complex could not have been built.

54. Furthermore, the private respondents would have benefitted financially had the allotments been made within time. The prolonged delay, occasioned entirely due to the pendency of these proceedings, has deprived them of the commercial use of the premises for which they had invested their resources. The loss occasioned to them, therefore, is not merely financial but extends to the deprivation of lawful business opportunities that would naturally have accrued had the process not been stalled.

55. In this backdrop, the petitioners cannot now be permitted to stall claim pertaining to the rights of the private respondents, who have acted lawfully and fulfilled every requirement prescribed by the Committee constituted under orders of this Court.

56. This Court is satisfied that the Committee acted strictly in tune with the directions issued by this Court on 14.05.2012, and the procedure adopted by the said committee was fair, transparent and in furtherance of the object sought to be achieved. This Court is of the considered view that no illegality, arbitrariness or jurisdictional infirmity is made out to warrant interference under Article 226 of the Constitution.

57. Furthermore; this Court finds it necessary to record, with a degree of concern, that the sequence of events indicates an attempt to delay the conclusion of the proceedings. Mr. G. A. Lone, learned counsel, had advanced arguments on behalf of the petitioners on 20.11.2025, and the matter was directed to be listed on 27.11.2025, on which date the matter could not be heard due to paucity of time and was directed to be listed 04.12.2025. When the instant case was taken up for further consideration on 04.12.2025, Mr. G. A. Lone, learned counsel, made a statement at the bar that the petitioners have engaged a new lawyer and sought adjournment which was declined by this Court, when the matter was finally heard and was kept as part heard.

58. In these circumstances, the Court didn't agree with the tactics played by the petitioners and his counsel to adjourn the matter on the ground of new lawyer being engaged with the sole object to protract the litigation or else get the matter listed before some other bench, as the petitioners perhaps anticipated the fate of their writ petition, when the matter was being argued. In the aforesaid backdrop, this Court with a view to curb such practices, when much damage has been already done, declined the request for adjournment, as permitting a

change of counsel at such a belated stage, particularly when, the newly-engaged advocate chose not to appear, would have resulted in nothing but further delay. The petition has been pending since 2013, and the interim order has continued to operate to the serious detriment of the respondents. Any further adjournment would therefore defeat the interests of justice.

59. Viewed in its entirety, the conduct of the petitioners leaves little doubt that there was a clear attempt to prolong the proceedings and stall the final adjudication of the matter, thereby abusing the process of law and wasting the precious judicial time.

60. The Hon'ble Supreme Court in case of **Suraz Trust v. Union of India**, reported as **AIR 2021 SC 4706**, while imposing exemplary costs of ₹25 lakhs for wasting judicial time, observed as under:

“Extremely important matters are taken up for consideration on a daily basis, and sometimes they lag behind because of individuals who were not competent to assist this Court, insist without due cause, to be granted a prolonged hearing... All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time, especially by individuals who freely cast scandalous and imaginary accusations in their submissions.”

61. Likewise, in **Pandurang Vithal Kevne v. BSNL**, reported as **2024 SCC OnLine SC 4108**, while imposing costs of ₹1,00,000, the Hon'ble Supreme Court held as under:

“Considering that precious time of this Court and the High Court was wasted by the petitioner, in our opinion the petitioner deserves to be burdened with heavy cost, to give a clear message to unscrupulous litigants... Such litigants are not only polluting the stream of justice but also putting hurdles in its dispensation to others... These types of litigants are choking the system of the court, which is resulting in delays in the decision of other cases. It is also the duty of the Courts at different levels to curb such type of litigation so that more time is available for dealing with genuine litigation.”

62. This Court reiterates the aforesaid concern and underscores that both the State and the litigants are under a solemn obligation to act responsibly and refrain from conduct which results in abuse of the process of law. Frivolous, repetitive and strategically motivated litigation, as well as administrative indecision, must be curbed with a firm hand, lest the very Majesty of law be reduced to a casualty of avoidable delay and misuse.

Conclusion.

63. For the foregoing reasons, the writ petition is found to be misconceived and devoid of any merit and is, accordingly, **dismissed** along with all connected applications.

64. The interim order dated **03.06.2013** shall stand vacated.

65. However, dismissal of the writ petition shall not come in the way of the official respondents to proceed further and implement the recommendations of the Committee in accordance with law and the judgment dated 14.05.2012 passed by this Court, without any further wastage of

time as much loss has already been caused to the Government exchequer and has also affected the constitutional rights of genuine claimants. As a necessary corollary, the official respondents are directed to proceed with the allotment of shops in question to the genuine claimants/private respondents, who have been declared as successful in the draw of lots for allotment of shops expeditiously in Sector-6 Batamaloo, Srinagar after due verification.

66. This matter would ordinarily warrant the imposition of exemplary costs keeping in view the conduct of the petitioners having resulted in prolonged litigation, unnecessary consumption of precious judicial time, and grave prejudice to the private respondents who have acted strictly in accordance with law and have been declared successful after undergoing the proper selection process. However, having regard to the overall circumstances of the petitioners, the Court refrains, at this stage, from saddling them with costs.
67. Nevertheless, the Court finds it imperative to issue a clear and unequivocal caution that the judicial process is not to be treated as a tool for obstruction or delay. Unscrupulous elements who initiate frivolous or vexatious litigation, prolong proceedings without just

cause, or seek to stall administrative and developmental activity by invoking the jurisdiction of this Court on untenable grounds, must be mindful that such misuse of process strikes at the very heart of justice delivery system. Repeated attempts to create unwarranted stagnation or to derail lawful action by resorting to dilatory practices will invite strict consequences in appropriate cases.

68. The Court reiterates that while access to justice is a constitutional guaranteed right, the judicial forum cannot be permitted to be abused for ulterior purposes. Any attempt to abuse process of Court, strikes at the very heart of justice delivery system. In future, such conduct may attract exemplary costs to preserve the sanctity of judicial proceedings.

**(WASIM SADIQ NARGAL)
JUDGE**

SRINAGAR

16.12.2025

“Gh. Nabi/Jt. Reg.”

❖ *Whether Judgment is Speaking?* **Yes**
❖ *Whether Judgment is Reportable?* **Yes**