

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1857/2026 CM(5011/2026).

Syed Bilal Ahmad Qadri.

...Applicant(s)/Petitioner(s)

Through: Ms. Ainain Qadiri, Advocate.

VERSUS

Union Territory of J & K & Ors.

...Respondent(s)

Through: Mr. Bikram Deep Singh, Dy AG for R2 & R3.
Ms. Rahilla Khan, Assisting Counsel vice
Mr. Mohsin S Qadri, Senior AAG.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
04.08.2026

1. The petitioner claims himself to be resident of Reyazat Tang, Khanyar, Srinagar, which falls within the municipal limits of the Srinagar Municipal Corporation (SMC), Srinagar and bearing grievance with respect to unauthorized construction and conversion of a building premises in the vicinity.
2. The petitioner is said to be resident owning his own residential house property and the cause of his grievance is that the owner of s building, immediately opposite to his residence, under the garb of Building Permission **No. SMC/2023/1616** dated **26.06.2023** has come up with a new building construction with a transformative purpose and use from residential to commercial as a hotel under the name and style of **“Hotel Shady Oaks”**, with

a signboard displayed on the top of the building, to the least botheration of the Srinagar Municipal Corporation (SMC), Srinagar and its Enforcement Staff.

3. The petitioner relates the present cause of action to the institution of writ petition- **WP(C) No. 3473/2023** from his end before this Court when the violations, open to the naked eye, relating to the construction of the building in reference came to take place, followed by institution of another writ petition by him as **WP(C) No. 3019/2024**.
4. Both said two writ petitions came to be disposed of by virtue of an order dated **27.01.2026** with a direction to the Commissioner, Srinagar Municipal Corporation, Srinagar, to consider the grievance of the petitioner relating to the building construction in reference and also after hearing the other side, namely the owner of the offending building then to pass an appropriate order.
5. Learned counsel for the petitioner seeks to expose the purported mala fides on the part of respondent No. **13- Ashiq Hussain Sheikh**, the owner of the building availing Building Permission **No. SMC/2023/1616** dated **26.06.2023**, by contending that within one month of the grant of said building permission, the respondent No. **13- Ashiq Hussain Sheikh**, had set in motion a course of action for seeking registration of his yet-to-be-completed building as a Guest House under the name and style of “**Hotel Shady Oaks**” and, for that purpose had even got the requisite

NOC from the Directorate of Tourism, Kashmir, through a communication addressed to the Commissioner, Srinagar Municipal Corporation (SMC), Srinagar.

6. There is a recital in the order dated **27.01.2026** passed by this Court, while disposing of the aforesaid two connected writ petitions, that even the Jammu and Kashmir Special Tribunal, Srinagar, in an appeal preferred by the respondent No. **13- Ashiq Hussain Sheikh** against the demolition orders issued by the Srinagar Municipal Corporation, had passed a direction to the Srinagar Municipal Corporation, (SMC) Srinagar, to consider the regularization application of respondent No. **13- Ashiq Hussain Sheikh** with respect to the alleged violations in the building construction.
7. The petitioner, on his part, by reference to the order dated **27.01.2026** passed by this Court in the two connected writ petitions, addressed a communication dated **18.05.2026** to the Commissioner, Srinagar Municipal Corporation, (SMC) Srinagar, followed by a legal notice dated **29.06.2026**, but received no response while being a witness to the commissioning of the very building in question without any regularization or approval from the concerned authorities, and that is what brings the petitioner to this Court with 3rd writ petition in succession.
8. The matter of building violations is becoming a menace which leaves any genuinely placed resident citizen acting, within the

bounds of law, a mere spectator to the least botheration of the Municipality/Municipal Corporation/other Civic Authorities, who are often found to be turning a blind eye, by design or default, so as to let the building violation attain its complexion and completion, thereby leaving an aggrieved resident or neighbour to resort to frustration and litigation simultaneously, and this case is perhaps reflective of that scenario.

9. *Prima facie* case made out.
10. Issue notice to the respondents.
11. Notice on behalf of the respondents No. 2 and 3 is accepted by Mr. Bikram Deep Singh, learned Deputy Advocate General.
12. However, notice to go for the time being to the respondent No. 13 only.
13. Notice to the respondent No. 13 be served through Tamilat Section of the Principal District Judge, Srinagar for which the petitioner to procure summons from the Registrar Judicial, Srinagar within a period of four days and deliver the same to Tamilat Section of the Principal District Judge, Srinagar within next two days whereupon process server be deputed to effect service and return the process by next date of hearing.
14. Notice in **CM No. 5011/2026** as well.
15. In the meantime, this Court directs the respondent **No. 2- Commissioner, Srinagar Municipal Corporation, (SMC)** Srinagar to ensure that the building in reference of the respondent

No. 13 is not put to any commercial use by reference to a hotel or guest house whatsoever it may be till the next date of hearing.

16. Any violation of this direction by allowing the use of the building in reference for hotel or guest house purposes shall result in respondent No. **2- Commissioner, Srinagar Municipal Corporation, (SMC) Srinagar** being held to be in breach of the court order, and a report of compliance to the said effect be submitted by the said respondent No. 2 on next date of hearing.
17. This order is, however, subject to objections from the end of respondents No. 2 and 3 and as also of respondent No.13.
18. In the meantime, the Registrar Judicial, Srinagar is directed to requisition the record of the appeal titled ***“Ashiq Hussain Sheikh Vs. Commissioner, Srinagar Municipal Corporation & Ors.”*** from the Jammu and Kashmir, Special Tribunal Srinagar which is said to be disposed of.
19. The Registrar, Jammu and Kashmir Special Tribunal, Srinagar to ensure that the requisitioned record file is submitted to the Registrar Judicial Srinagar, positively by next date of hearing.
20. This Court directs the respondent No. **12- Director, Anti-Corruption Bureau (ACB), Jammu and Kashmir, Srinagar/Jammu**, to gather the record files relating to all NOCs, **i.e., SMC/JCP/2376-77** dated **21.11.2023**, **WWD/CC/Sgr/2582-83** dated **23.07.2024** and **EDIV/Ts.3248** dated **10.08.2024**, issued from the end of the respondent **No. 4-**

Director, Tourism Department, Kashmir, Srinagar; respondent
No. 7- Director, Fire and Emergency Services, Jammu and
Kashmir, Srinagar/Jammu; respondent **No. 8- Chief Engineer,**
Power Development Department, Kashmir, Srinagar;
respondent **No. 10- Chief Engineer, Jal Shakti Department**
(PHE), Kashmir, Srinagar; and respondent **No. 11- Executive**
Engineer, Water Works Division, Srinagar, with respect to
respondent **No. 13- Ashiq Hussain Sheikh** and the use of the
building for commercial purposes, and place and produce the said
files through Ms. Rahila Khan, learned Assisting Counsel to Mr.
Mohsin S. Qadri, learned Senior AAG, on the next date of hearing.

21. A copy of this order be provided to Mr. Bikram Deep Singh,
learned Deputy Advocate General appearing on behalf of the
respondents No. 2 and 3 and also to Ms Rahilla Khan, learned
Assisting Counsel to Mr. Mohsin S Qadri, learned Senior AAG for
positive compliance.
22. List on **19th August, 2026.**

(RAHUL BHARTI)
JUDGE

SRINAGAR
04.08.2026
Bisma Jan.

