

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

WP(C) No.1543/2026
CM No.4017/2026

Abdul Ahad Bhat

...Petitioner(s)/appellant(s)

Through: Mr. S.N. Rattanpuri, Advocate

Vs.

Government of Jammu and Kashmir (Tourism and
others)

...Respondent(s)

Through: Mr. Faheem Nissar Shah, GA

CORAM:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

08-09-2026

1. **On mention, taken up out of turn.**
2. With the consent of learned counsel appearing for the parties, the present petition is taken up for final disposal.
3. The petitioner is aggrieved of Condition No.40 contained in the Letter of Allotment dated 15.06.2026. In terms of the aforesaid Letter of Allotment, Main Manasbal Park with amusement facilities at Manasbal, including the Children's Park at Safapora, was outsourced to the petitioner for a period of three years.
4. The main grievance of the petitioner is that Condition No. 40 contained in the Letter of Allotment did not exist in the original e-Bid document and, therefore, the said condition could not have been imposed upon the petitioner. It is contended that, by relying upon the said condition, respondent No. 3 is not permitting the petitioner to establish and operate the amusement facilities at Manasbal.

5. Respondent No. 3 has filed its response, wherein it is stated that, in terms of Clause 20 of the e-Bid document, the successful bidder is under an obligation to abide by all directions issued by the Wullar Manasbal Development Authority, failing which the contract is liable for cancellation. It is further stated that Clauses 13 and 35 of the e-Bid document clearly provide that the outsourcee shall not raise any additional infrastructure within the outsourced property or undertake any addition or alteration in the premises without obtaining prior permission in writing from the Wullar Manasbal Development Authority.
6. It is, thus, contended that, in terms of the aforesaid clauses, the petitioner is bound to abide by and follow all directions and instructions issued by the Wullar Manasbal Development Authority.
7. It is further stated that the petitioner was never permanently prohibited from installing amusement facilities but was only advised and apprised of the eco-sensitivity of Manasbal Lake and its banks. It is stated that continuous diesel emissions and noise pollution cannot be permitted in such an ecologically sensitive area. According to respondent No. 3, the location, nature and type of equipment are required to be determined by the competent authority, keeping in view environmental concerns, pollution and safety considerations, safety of visitors, preservation of green spaces and the larger public interest.
8. It is also averred that Condition No. 44 of the Letter of Allotment gives a reprieve to the petitioner to appeal with DTK (Chairman Outsourcing Committee), before approaching this Court, and that the said decision of DTK is yet to be heard.

9. It is the stand of respondent No. 3 that, in view of representations received from the Social Concern Group (SCG), Manasbal, Masjid Committee, Gratabal, Manasbal, as also the issues pending before the National Green Tribunal, Condition No. 40 was incorporated in the Letter of Allotment.

10. Heard learned counsel for the parties.

11. The sole grievance raised by the petitioner pertains to Condition No. 40 of the Letter of Allotment. The same is reproduced hereunder:

“The location, area, and extent of space to be provided for installation and operation of amusement equipment shall be determined solely by the Wular Manasbal Development Authority (WMDA). The allottee/operator shall install the equipment only at the site earmarked by the Authority and shall not claim any specific location or additional space as a matter of right. The Authority reserves the right to alter, relocate, reduce, or modify the allotted space in the interest of public convenience, safety, environmental protection, or administrative requirements, and the allottee shall comply with such directions without any claim for compensation.”

12. Learned counsel for the petitioner submits that, in terms of Condition No. 40 of the Letter of Allotment, the Wular Manasbal Development Authority is required to earmark the space for installation of the amusement equipment by the petitioner and that no such space has been earmarked till date.

13. This Court is conscious of the fact that business interests must make a way for public interest, particularly when the public interest involved concerns the preservation of ecological balance in an eco-sensitive area such as the Wular-Manasbal region. Therefore, Condition No. 40 cannot be quashed in any manner whatsoever. However, at the same

time, Condition No. 40 itself mandates that the Wular Manasbal Development Authority shall determine and earmark the location and space for installation and operation of the amusement equipment.

14. Accordingly, the present petition is disposed of by directing respondent No. 3 to specify a suitable location, in terms of Condition No. 40 of the Letter of Allotment, so that the petitioner is able to install and operate the amusement facilities in accordance with the tender conditions and the applicable permissions. While taking such a decision, respondent No. 3 shall duly take into consideration the ecological and environmental concerns of the area, including the sensitivity of Manasbal Lake and its surrounding areas.

15. Disposed of accordingly.

16. This Court is sanguine that respondent No. 3 shall take an appropriate decision in the matter, in accordance with law, within a period of two weeks from the date a copy of this order is served upon it.

(RAJNESH OSWAL)
JUDGE

SRINAGAR
08-09-2026
Shameem H.