S. No.54
Regular List

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

WP(C) No.2705/2025
CM No.(6367/2026)
CM No.(6368/2026)and
CMNo.(7165/2025)

INHABITANTS OF SYEDABAD KUPWARA

…..Petitioner(s)

Through: Mr.Shafqat Nazir, Advocate
Ms Heena Baqal, Advocate

V/s

UT OF J&K AND ORS

… ..Respondent(s)

Through :Mr. Faisal Qadiri, Sr.Advocate
with Mr. Noman, Advocate
Mr.Sheikh Manzoor, Advocate
Mr.Waseem Gul, GA
Mr.Ilyas Laway, GA

CORAM:
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
11.11.2026

1. The petitioners through the medium of present petition have challenged order dated 08.09.2025 passed by J&K Special Tribunal Srinagar, whereby a direction has been issued to the official respondents to take a final call upon the impugned order dated 08.10.2022 within a period of 30 days failing which the said order shall be deemed to have been cancelled.

2. Heard learned counsel for the parties and perused the record.

3. It appears that there is a long history of litigation between the petitioners and respondent No.6 with regard to proposed construction on the land belonging to Masjid situated at Mouza Kupwara. It seems that respondent/Municipal authorities granted permission in favour of respondent No.6 for construction of commercial building vide order bearing No.BP/ORDER/KUPWARA/2022/24 dated 22.08.2022. The said order granting building permission was challenged by the petitioners by way of a revision petition before J&K Special Tribunal, Srinagar. The said revision petition came to be dismissed by the Tribunal vide order date 20.10.2022. Thereafter, the respondents Municipal Authorities passed another order bearing No.MC/Kup/22-23/2100/2104 dated 08.10.2022, whereby the building permission order granted in favour of respondent No.6 has been kept in abeyance. The said order came to be challenged by respondent No.6 by way of revision petition before the Jammu & Kashmir Special Tribunal which came to be decided by the Tribunal in terms of impugned order dated 08.09.2025.

4. As already stated, vide the impugned order the learned Tribunal has directed the Municipal Authorities to take a decision in the matter within 30 days and in default it has been provided that the said order would be deemed to have been

cancelled and respondent No.6 would be at liberty to proceed ahead with the construction as per the permission granted in its favour.

5. It is not in dispute that order dated 08.10.2022 issued by the Municipal Authorities keeping in abeyance the building permission in favour of respondent No.6 is a temporary measure. The said order cannot remain in force in perpetuity. The Municipal Authorities have issued the said order with a view to take a decision on the complaints/representations received by it from the petitioner and other persons objecting to the raising of construction on spot by respondent No.6. The validity of order dated 08.10.2022 can be stretched only up to the time the Municipal Authorities take a decision on the objections received relating to grant of building permission in favour of respondent No.6. Therefore, learned Tribunal has rightly directed the respondents/Municipal Authorities to decide the issue within a period of 30 days.

6. The petitioner is particularly aggrieved of the direction of the Tribunal which provides for deemed permission in favour of respondent No.6, if the respondent/Municipal Authorities fail to decide the matter within a period of 30 days. To this limited extent, impugned order dated 08.09.2025 deserves to be modified so as to take care of the concerns of the petitioner.

7. Accordingly, the writ petition alongwith all connected applications is disposed of by modifying the order of the learned Tribunal passed on 08.09.2025 to the extent that default on the part of the Municipal Authorities to decide the fate of order dated 08.10.2022, whereby building permission of respondent No.6 has been kept in abeyance, shall not lead to automatic cancellation of said order. It is, however, made clear that the respondent/Municipal Authorities shall decide the issue within the time stipulated by the Tribunal which shall begin from today itself. It shall be open to the petitioner as well as respondent No.6 to make additional representations and produce documents before the official respondents, which shall be considered while taking the final decision in the matter.

(SANJAY DHAR)
JUDGE

SRINAGAR
11.11.2026
Sarveeda Nissar

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

Sarveeda Nissar
I attest to the accuracy and
authenticity of this document
every page at bottom left side
13.11.2026 11:04