

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 735/2026 CM(1885/2026).

Gulmarg Sumo Stand Owners Association
Tangmarg Th. General Secretary.

...Petitioner(s)

Through: Mr. Parvaiz Lone, Advocate.

VERSUS

Union Territory of J & K & Ors.

...Respondent(s)

Through: None.

CORAM:

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

ORDER
10.04.2026

01. It has been vehemently argued by Mr. Parvaiz Lone, learned counsel for the petitioner that the impugned order dated 03.04.2026 has been issued by the respondent No. 4- Additional Deputy Commissioner, Baramulla which is without jurisdiction and authority of law, as the respondent No. 4 is not the competent authority to adjudicate or alter the transport route arrangements in question.
02. Mr. Parvaiz Lone, learned counsel for the petitioner with a view to vindicate his stand has also drawn the attention of the Court to an order passed by the Tehsildar Tangmarg dated 02.04.2026 wherein the order issuing diversion of routes stood withdrawn and a direction was issued that the routes shall be operated as per previous practices.
03. Mr. Parvaiz Lone, learned counsel for the petitioner further submits that the respondent No. 4- Additional Deputy Commissioner, Baramulla had earlier also directed the parties to approach the competent forum, thereby clearly divesting himself of any adjudicatory role in the matter, as the role to alter the routes lies with the Assistant Regional Transport Officer (ARTO) in conformity

with the Section 86 of Motor Vehicles Act. He further submits that once such a direction was issued, respondent No. 4 became *functus officio* and could not have assumed jurisdiction subsequently, by virtue of which the route has been altered in terms of impugned order dated 03.04.2026 which is the subject matter of the instant petition.

04. Learned counsel for the petitioner further submits that even previously also the concerned Tehsildar after summoning all stakeholders had amicably resolved the dispute with the consent of all the parties and the said settlement has attained finality. Such an arrangement having been arrived at after due deliberation carries binding force and cannot be arbitrarily disturbed by any authority who is not competent under law and thus the impugned order according to the learned counsel for the petitioner cannot sustain the test of law and is liable to be set aside.

05. Heard learned counsel for the petitioner at length and perused the record.

06. *Prima facie*, a case for indulgence is made out.

07. In the meantime, subject to objections from the other side and till the next date of hearing before the Bench, the impugned order dated 03.04.2026 issued by respondent No. 4- Additional Deputy Commissioner, Baramulla shall remain stayed.

08. List on 18th May, 2026.

09. Alteration, medication and vacation on motion

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR

10.04.2026

Bisma Jan.