

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 985/2025 c/w
WP(C) No. 2174/2024
WP(C) 928/2025

International Delhi Public School Bandipora
through Chairman

...Petitioner(s)

Through: *Mr. Bhat Fayaz, Advocate, with Ms Nighat Amin, Adv, in WP(C) No. 985/225 and WP(C) No. 2174/2024*

Mr. Saqib Shabir, Adv, in WP(C) No. 928/2025

Vs.

UT of JK and Ors.

...Respondent(s)

Through: *Mr. Ilyas Laway, GA*
Mr. Saqib Shabir, Adv, in WP(C) No. 2174/2024

CORAM:

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

ORDER
08.05.2025

WP(C) No. 985/2025

01. The instant petition is not maintainable in the light of the fact that this Court in an identical petition filed by, one, Abdul Khaliq Shah and others, which is tagged with the instant petition bearing WP(C) No. 928/2025, has passed a detailed Order on 28th April, 2025. The operative part whereof is reproduced as under:-

“ In the meantime, subject to the objections from other side and till next date of hearing before the Bench, the respondent no. 5 is directed to maintain status quo with regard to the installation of the gate on the road in question and in case the said road has been encroached by the said respondent, the Deputy Commissioner, Bandipora, is directed to take appropriate action strictly under law after giving an opportunity of being heard to the said respondent and also to the petitioners herein and while taking action, the deputy Commissioner shall

give due weightage to the order which has already been passed in pursuant to the interim direction passed by this Court in WP(C) No. 2174/2024 dated 19th September, 2024, by virtue of which the detailed speaking order has been passed and the case of respondent no. 5 got rejected. Let the concerned Deputy Commissioner submit action taken report on or before the next date of hearing.

In the meantime, the petitioner to take steps for the service of respondent no. 5. Registry to issue notice to respondent no. 5 returnable within a period four weeks.

List on 30th May, 2025.”

02. Another aspect of the matter which cannot be lost sight of that the relief sought by the petitioner in WP(C) No. 2174/2024 and in the instant petition is similar and the same relief has also been sought by way of filing fresh application in WP(C) No. 2174/2024, which is pending adjudication before this Court, therefore, in that view of the matter, the relief sought in the instant petition, cannot be considered, as no permission has been sought by the petitioner to file a fresh one.
03. Thus, in the light of the direction passed by this Court mentioned supra, the relief which been claimed by the petitioner in the instant petition is not maintainable.
04. Confronted with the aforesaid position, learned counsel for the petitioner seeks withdrawal of the WP(C) No. 985/2025 with liberty to file a fresh one if fresh cause of action is accrued to the petitioner.
05. Accordingly, the instant writ petition is **dismissed** as withdrawn with liberty as prayed for.

WP(C) No. 928/2025

01. Mr. Ilyas Laway, learned GA, submits that he has already drafted the Action Taken Report [ATR] on behalf of Deputy Commissioner, Bandipora. He, accordingly, seeks two days' time to place the same on record. Prayer allowed.
02. Let the Action Taken Report be filed within a period of two days with advance copy to Mr. Bhat Fayaz, learned counsel for the

respondent no. 5, who may respond to the same within two days thereafter as requested.

03. Mr. Ilyas Laway, learned GA, is directed to file response in the instant petition as well.

04. List this petition along with Contempt Petition on 21st May, 2025, higher up.

WP(C) No. 2174/2024

01. Reply stands filed on behalf of the respondents.

02. List for consideration along with WP(C) No. 928/2025 as above.

03. Interim direction, if any in force, to continue till next date of hearing before the Bench.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
08.05.2025
"Shamim Dar"

