

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

WP(C) No. 895/2024

CM No. 2401/2024

M/s Snowman Adventures and Ors. ...Appellant/Petitioner(s)

Through: Mr. Arif Sikandar Mir, Advocate

Vs.

UT of J&K and Ors. ...Respondent(s)

Through:

CORAM:**HON'BLE MS JUSTICE SINDHU SHARMA, JUDGE****ORDER**

29.04.2024

Petitioners are aggrieved of the Order No. DTK/Rec/192/3338 dated 02.04.2024 read with Notice No. 14/44-46/Top dated 12.04.2024, issued by Assistant Director, Department of Tourism, Pahalgam.

The case set up by the petitioners is that they are registered as Adventures Tour Operators (ATOs) under Jammu and Kashmir Registration of Tourism Trade Act, to carry out the business of Adventure and Sport Tour Operator in Jammu and Kashmir. They have been registered to operate their Adventure Agencies, for rafting near rafting points at Pahalgam. The registration certificates of the petitioners have also been duly renewed by the prescribed authority under Tourism Trade Act and the petitioners were granted permission for operation of commercial white water rafting to petitioners in river Lidder at a stretch from Warganpal to Yanner bridge.

The Assistant Director, Tourism, Pahalgam, - respondent no.4, in terms of Notice dated 02.04.2024 invited applications from all eligible Adventure Tour Operators for operation of Commercial White-Water Rafting for Summer Season 2024. In terms of Notice dated 12.04.2024 respondent no.4 requested all the eligible Adventure Tour Operators to attend the office of Directorate of Tourism, TRC Srinagar on 15th of April for draw of lots to select the operators for rafting in Pahalgam zone. The petitioners immediately made a representation for grant of permission for a period of validity of the Tourism Licence/Certificates as has been done for

last 14 years and also requested to grant permission for operation of white water rafting for the same location as per their certificate of registration as this is also the location mentioned in their insurance policy and holding draw of lots for the same would put them to grave hardships.

It is further submitted that the Committee constituted in terms of impugned order dated 02.04.2024 is in contravention of Clause 5 of the Guidelines for registration/renewal of Adventure Tour Operators.

Issue notice in main petition as well as in CM, returnable within a period of four weeks. Requisites for services within one week.

In the meanwhile, subject to objections and till next date of hearing before the Bench, the respondents are at liberty to proceed ahead and allot rafting slots to the petitioners without draw of lots in accordance with the guidelines.

Put up on 03.06.2024.

(SINDHU SHARMA)
JUDGE

SRINAGAR

29.04.2024

Manzoor