

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1469/2026
CM No. (3863/2026)
Caveat No. (1280/2026)

M/s Sumo Taxi Owners Union, Sonamarg through its President

...Applicant(s)/Petitioner(s)

Through: Mr. Z. A. Shah, Sr. Advocate with
Mr. A. Hanan, Advocate

VERSUS

Union Territory of J&K And Ors.

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel for R- 1
Mr. Lone Altaf, Advocate for Caveator/R- 5
Mr. Zahid Qais Noor, GA for R-2
Mr. Ilayas Laway, GA for R- 3

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

07.07.2026

1. The manner in which the Transport Commissioner, Government of J&K has come up with a **Notification No. 06-MVD of 2026** dated **15.05.2026** even if not left to the petitioner to question it from the point of view of competitive business race, still the exercise does not inspire confidence that the same is born out of a due diligence at the part of the Transport Commissioner, acting in accordance with the

provisions of the Motor Vehicle Act, 1988 as the checklist which was meant to be carried out in compliance before coming up with a notification of such nature with a definite earmarking of the place where the stand for contract carriage is meant to be located with full delineation and description, cannot be left to be carried out after the issuance of the notification and this is what the case relatable to issuance of the **Notification No. 06-MVD of 2026** dated **15.05.2026** seems to have done as is born out from the communication from the end of the Sonamarg Development Authority officials.

2. This Court finds the scope for granting indulgence notwithstanding vehement objections by the caveator i.e., respondent No. 5 which is the holder of the purported notification which is impugned in the present writ petition.
3. The objection being taken by the caveator/respondent No. 5 is to the fact that the petitioner has not come up with the clean hands

and itself is perpetuating its presence at the place without any authority of law.

4. Be that as it may, the petitioner or for that matter the respondent No. 5 none of two can have a free run in the matter of polluting the environment of Sonamarg area which concern is forthcoming from none else than the Chief Executive Officer, Sonamarg Development Authority in his **communication No. CEO/SDA/2026/735-39** dated **08.06.2026** addressed to Chief Town Planner, Town Planning Organization Kashmir which is in the context of opening of Taxi Stand in Sonamarg.
5. By a bare reading of impugned **Notification No. 06-MVD of 2026** dated **15.05.2026**, this Court cannot escape noticing the fact that it seems to be a case of putting the cart before the horse when Transport Commissioner, Government of J&K was having no idea as to which space is being referred for the purposed contract carriage stand by prospective licensee.

6. Notice. Notice on behalf of the respondent No. 5 waived by Mr. Lone Altaf, Advocate.
7. Notice shall go now only to the respondents 2 and 3 to the exclusion of the respondents 1 and 4 they being not immediate necessary parties in the context of controversy.
8. Let reply to the writ petition be filed within a period of two weeks.
9. This Court directs the respondent No. 2- Transport Commissioner, J&K to come up with the production of the file on the basis whereof issuance of **Notification No. 06-MVD of 2026** dated **15.05.2026** came to take place, failing which, this Court shall be constrained to direct personal appearance.
10. Mr. Zahid Qais Noor, learned Government Advocate accepts notice on behalf of the respondent No. 2- Transport Commissioner, J&K.
11. Mr. Ilayas Laway, learned Government Advocate accepts notice on behalf of the respondent No. 3- Chief Executive Officer.

12. Given the fact that the purported lease deed held by respondent No. 5 for the purposes of housing the Taxi Stand though is there but the same is not a registered rent agreement given the period for which it is executed and the yearly rent reserved therein and, therefore, whether such like rent agreement can pave way for serious exercise which is intended to be done in the matter of setting up of a Stand for contract carriage, is a case of concern for this Court not to escape otherwise the tourist places in the Valley of Kashmir are subject to suffer, turning fast into commercial vehicles stand on the basis of sacrifice of due diligence on the part of the Transport Commissioner in the matter of issuance of notification which prima facie seems to be the case.

13. As such, the operation of **Notification No. 06-MVD of 2026** dated **15.05.2026** shall remain stayed till next date of hearing.

14. Mr. Lone Altaf, Advocate is on caveat without being versed with law of caveat which is that as

soon as he came to have notice with the copy of the writ petition and application served to him, he should have come prepared with the reply to the writ petition and objections to application for enabling this Court to deal with the objections instantly which otherwise is being taken by oral mode as if this Court is meant to dispose of writ petition as well as the application CM No. **3863/2026** of the petitioner by being orally confronted by the caveator. Therefore, this Court is not entertaining the plea of learned counsel for the caveator to take notice of the citations which he intends to cite at this stage.

15. List on **20.07.2026**.

(RAHUL BHARTI)
JUDGE

SRINAGAR
07.07.2026
Akhil Dev