

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 143/2026
CM(4323/2026)
Caveat 1616/2026

M/S GLACIER GADKUL TATA ...Petitioner/Appellant(s)
SUMO STAND THROUGH ITS
PRESIDENT

Through: Mr. Lone Altaf, Advocate with
Ms. Insha Maqbool, Advocate

Vs.

UT OF J&K AND ORS. ...Respondent(s)

Through: Mr. Z.A. Shah, Sr. Advocate with
Mr. A. Hanan, Advocate for Caveator/R-5

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

15.07.2026

Caveat No. 1616/2026

1. With the appearance of learned counsel appearing for the Caveator, the caveat stands discharged.

LPA No. 143/2026 CM No. 4323/2026

1. Impugned in this appeal filed by the appellant under Clause 12 of the Letters Patent is an order dated 7th July, 2026 passed by the learned Single Judge of this Court [the "writ Court"] in WP(C) No. 1469/2026 titled "*M/S Sumo Taxi Owners Union Sonamarg through its President Vs. UT of J&K & Ors.*", whereby the writ Court has, after hearing the appellant-Caveator and respondent No. 5 herein, has stayed the operation of the Notification No. 06-MVD of 2026 dated

15.05.2026 and has directed the matter to be listed for consideration on 20th July, 2026.

2. The impugned order is assailed by the appellant primarily on the following grounds:

a. That the writ Court has not appreciated that the respondent No. 5 herein, who was permitted to operate a taxi stand with a capacity of 40 vehicles vide Notification No. 01 MVD of 2020 dated 13th March, 2020 for a period of two years, is operating the same despite the fact that such permission has not been extended, revalidated and renewed.

b. That the writ Court has also not taken into consideration the submissions made by the appellant-Caveator that, with a view to challenge the impugned notification, the three members of the respondent No. 5-Union had already made two attempts before this Court by masquerading as public-spirited persons and by filing a Public Interest Litigation.

3. Mr. Z.A. Shah, learned senior counsel appearing for the respondent No. 5, would object to the maintainability of this appeal on the ground that the order passed by the learned writ Court is only interim in nature and could be varied, modified or vacated upon hearing the other side on 20th July, 2026.

4. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order impugned through interim in nature, has

been passed after hearing the appellant-Caveator as well as the respondent No. 5. The order impugned, though passed at the interim stage, has the trappings of a final order, in that, the impugned notification has been stayed.

5. Prima facie, we find that the contentions raised by the appellant before the writ Court were relevant and ought to have been considered before passing the interim order. It is true that the appellant was only on caveat and, therefore, had no opportunity to file objections and place the relevant material on record in writing. It seems that the learned counsel appearing for the appellant wanted to cite certain citations, but he was not allowed to do so on the ground that the same could be considered only once the objections to the petition are filed.

6. In the give facts and circumstances, we are constrained to hold that it was not a fit case to pass interim directions without taking into consideration the objections to be filed by the appellant herein.

7. For all these reasons, this appeal is allowed, and the order dated 7th July, 2026 is set aside. The matter shall be considered by the learned writ Court for grant of interim relief or final disposal, as the case may be, on the next date of hearing or on the date to which the matter is adjourned.

8. Mr. Lone Altaf, learned counsel appearing for the appellant, undertakes to file objections by or before the next date of hearing. The Government shall also file objections and produce the requisite record before the learned writ Court by or before the next date.

9. Needles to say that any observations made in this order are only for the purpose of the order passed by us today and shall have no bearing on the controversy on merits pending adjudication before the learned writ Court.

10. Disposed of.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:
15.07.2026
"ARIF"

