

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

WP(C) 2398/2025 CM 6353/2025

Gh. Qadir Sofi and Ors.

...Petitioner(s)/Appellant(s).

Through: Ms. Arifa Jan, Advocate.

Vs.

**Commissioner, Srinagar Municipal
Corporation and Ors.**

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER

26.09.2025

1. Mr. Bikramdeep Singh, Id. Dy. AG appears and accepts notice on behalf of the respondents.
2. Impugned in the instant petition filed under the provisions of Article 226 of the Constitution of India is the order dated 22.09.2025 passed by the learned J&K Special Tribunal, Srinagar, in an appeal filed by the petitioners against the demolition notice bearing No. SMC/ENF/N/2702-08 dated 15.09.2025 issued by the respondent-Corporation, whereby the said appeal has been instantly disposed of as having been rendered infructuous and unable of being entertained. The impugned order dated 22.09.2025 of the learned J&K Special Tribunal, Srinagar, reveals that the proposed demolition was scheduled at 1 Pm on the said date when the appeal is being filed at 2 Pm.

3. Heard learned counsel for the petitioners in respect of the matter. Also heard the submissions of the learned counsel for the respondent-Corporation.

4. In the facts and circumstances of the case, this Court is of the opinion that matter can be disposed of even at this threshold stage by passing of such appropriate orders which are not likely to prejudice the interests of any of the parties.

5. It is being submitted by the learned counsel for the petitioners that the proposed demolition which, as per the impugned demolition notice, was scheduled to be carried at 1 pm on 22.09.2025 is still to be carried into effect. There was no bar for the learned J&K Special Tribunal, Srinagar to entertain the appeal upon being satisfied that the proposed demolition had not been carried out at the time of the filing of the appeal. Any orders which could have been felt appropriate by the learned J&K Special Tribunal could have at the most been made conditional i.e. with a stipulation that such orders, if any passed, would be enforceable provided the demolition has not been already carried out.

6. In the backdrop, the petition is disposed of at this stage with the direction to the learned J&K Special Tribunal to entertain the appeal and to proceed on the same in accordance with the law. Till the appeal is taken on board by the learned J&K Special Tribunal and considered for passing of the interim orders, there shall operate status-quo in respect of the subject matter.

7. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR

26.09.2025

"Shahid Manzoor"