

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 778/2026
CM No. 1766/2026

Sairsta Devi

.....Petitioner(s)

Through: Mr. Mohsin Bhat, Advocate

Vs

Union of India & Ors

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI

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

ORDER
(01.04.2026)

- 01.** The petitioner is aggrieved of the order dated 19.02.2026 issued by respondent No.6 whereby due to the death of father-in-law of the petitioner namely Sat Pal Saini, who was catering stall No.21 at Platform No.1, Railway Station Jammu Tawi originally allotted to the father-in-law of the petitioner being run by the petitioner since 2002 due to the death of her husband, namely, Vijay Kumar Saini, in the year 2002, has been directed to be closed through the medium of order impugned dated 19.02.2026, which according to the petitioner is illegal arbitrary and violative of fundamental rights of the petitioner.
- 02.** It has been vehemently argued by learned counsel for the petitioner that the impugned order is bad in the eyes of law, inasmuch as the respondents, without any specific order issued by the competent authority, are preventing the petitioner from operating/running her respective tea stall/vending unit. It is further contended that in the absence of any formal order or specific direction issued by the competent authority, particularly

respondents No. 5 to 7, restraining the petitioner from carrying on her said activity, the action of the respondents cannot sustain the test of law and is, therefore, liable to be set aside. In addition, it has been urged that the order impugned has been passed without affording her reasonable opportunity of being heard which has deprived the petitioner to earn her livelihood, more particularly, when the petitioner was running the said vend/stall of tea since 2002 without any objections from the respondents.

- 03.** Learned counsel for the petitioner has drawn the attention of this Court to the impugned communication/order dated 19.02.2026, a perusal whereof reveals that one Mr. Vijay Kumar Saini, stated to be the son of late Sat Pal Saini, had merely informed the authorities about the demise of Sat Pal Saini due to a heart attack on 18.02.2026. It is submitted that, solely on the basis of the said telephonic information, the tea stall in question has been closed with effect from 19.02.2026. It is further contended that no formal or specific order of closure has been issued by the competent authority, and the action taken on the basis of such unverified information is arbitrary, without authority of law, and liable to be set aside. Lastly, the learned counsel for the petitioner has drawn the attention of the various interim orders passed by this Court in similar cases and he prays that the similar order be passed in the instant petition as well.
- 04.** Heard learned counsel for the petitioner at length and perused the record. *Prima facie* a case for indulgence is made out.
- 05.** With a view to maintain parity, this Court deems it appropriate to grant similar *prima facie* relief in the instant case as well.

06. Issue notice, which is waived by Mr. Vishal Sharma, learned DSGI on behalf of the respondents. He seeks and is granted two weeks time to file response.
07. In the meantime, subject to objections from other side and till next date of hearing before the Bench, the operation of order impugned dated 19.02.2026 shall remain stayed and the petitioner shall be allowed to run her stall of tea/vend.
08. Alteration/modification on motion.
09. At this stage, Mr. Vishal Sharma, learned DSGI submits that on the basis of interim order passed by this Court in various writ petitions, the petitioners are continuing their activities, which according to him, is causing great prejudice to the respondents. Keeping in view the urgency expressed by Mr. Vishal Sharma, learned DSGI, it is deemed appropriate that all such matters be clubbed together and be heard and decided at the earliest so that no prejudice is caused to either side. In light of the statement made by learned counsel for the respondents, this Court deems it appropriate to direct the learned counsel appearing on behalf of the respondents to provide a list of all similar cases to the Registry during the course of this week and subject to furnishing of the list of similar cases before the Registry, the Registry is directed to club all these petitions along with the instant petition being the lead case and list on **22.04.2026**, higher up.
10. It is further made clear that the response shall be filed in all the matters on or before the next date of hearing positively so that an endeavor is made to hear the matters collectively on the next date of hearing with a view to

avoid any conflicting orders. However, it is further clarified that mere continuance of the petitioner on the strength of interim order does in no way waives of the basic terms and conditions of allotment for paying the rent.

**(WASIM SADIQ NARGAL)
JUDGE**

**JAMMU
01.04.2026
Vijay**

