



2025:JKLHC-JMU:3055

Serial No. 108

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

WP(C) No. 2677/2025

Sudesh Kumar & Ors.

.....Petitioners

Through: Mr. R.P. Sharma, Sr. Advocate with
Mr. Nigam P. Saroop, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Ms. Chetna Manhas, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(26.09.2025)

- 01.** Through the medium of the present petition, the petitioners have challenged order dated 03.09.2025 issued by respondent No.2-Sub-Divisional Magistrate, Hiranagar, Kathua, whereby respondent No. 3-Niab Tehsildar, Chadwal, Hiranagar, has been appointed as Nodal Officer for ensuring smooth and transparent conduct of the elections for Vyapaar Mandal Pardhan which were scheduled to be held on 06.09.2025 at Dayala Chak, Kathua.
- 02.** Challenge has also been thrown to election of respondent No. 4-Sohan Lal as Pardhan Vyapaar Mandal, Dayala Chak which was published in Newspaper dated 10.09.2025.



- 03.** Heard learned counsel for the petitioners and perused the record.
- 04.** The grievance of the petitioners is that a self-styled Election Body/Samiti was formed by some shopkeepers of Dayala Chak who decided to conduct election of its Pradhan. It has been submitted that neither any voter list of shopkeepers was prepared nor the said Samiti was registered. In this regard, a complaint was made by Registered Firm Owners/Shopkeepers of Dayala Chak market to respondent No. 2-Sub-Divisional Magistrate, Hiranagar, requesting him that aforesaid self-styled Samiti cannot hold elections and become representative of Vyapaar Mandal, Dayala Chak but instead of taking any action, respondent No. 2 issued impugned order whereby the respondent No. 3 was appointed as Nodal Officer to supervise the conduct of elections.
- 05.** It has been submitted that thereafter elections were held and respondent No. 4 claimed to have been elected as the President which according to the petitioners is based upon fraudulent exercise.
- 06.** So far as the challenge to order dated 03.09.2025 is concerned, the same has been rendered redundant because the petitioners have approached this Court today whereas the order impugned has been issued for the purpose of



holding elections scheduled on 06.09.2025. The elections have already been held, therefore, impugned order dated 03.09.2025 stands already implemented. The relief prayed by the petitioners to the extent of challenge to the said order has, been rendered infructuous.

- 07.** So far as the challenge to the election of respondent No. 4 as President of Vyapaar Mandal, Dayala Chak is concerned, the same cannot be entertained by this Court in exercise of its writ jurisdiction because respondent No. 4 is a private individual. If at all, the petitioners have any grievance about the manner in which the respondent No. 4 has been elected as the President, it is open to them to approach the civil court but in these proceedings, the challenge to election of respondent No. 4 cannot be entertained.
- 08.** For the foregoing reasons, the writ petition is **dismissed** leaving it open to the petitioners to lay challenge to the election of respondent No. 4 before the appropriate forum.

(SANJAY DHAR)
JUDGE

JAMMU
26.09.2025
SUNIL

Whether the order is speaking	:	Yes/No
Whether the order is reportable	:	Yes/No