Serial No.45
SUPP CAUSE LIST

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

LPA 202/2026

MOHAMMAD ASLAM SHEIKH …Petitioner/Appellant(s)

Through: Mr. Parvaiz Lone, Advocate

Vs.

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

Through:

CORAM:

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

ORDER

01.09.2026

1. This is appeal under Clause 12 of the Letters Patent filed by the appellant to assail the order dated 29th July, 2026, passed by the learned Single Judge of this Court ["the writ Court"] in WP(C) No. 1778/2026, titled ***"Mohammad Aslam Sheikh Vs. UT of J&K and others***", whereby the writ Court has disposed of the petition with a direction to the respondent No. 4 to consider and act upon the recommendations as well as the Eviction Notice dated 09.07.2024, issued by the competent authority, strictly in accordance with law, within a period of one month from the date a copy of the order is served upon him.
2. The impugned order has been challenged by the appellant on the ground that the same has been passed by the writ Court on the very first motion hearing day without putting him on notice. He submits that, had he been put on notice, he would

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have brought to the notice of the learned writ Court that there is a suit between the appellant and the Union Territory pending disposal before the court of the learned Munsiff Boniyar.

3. Having heard learned counsel for the appellant and perused the material on record, we are of the considered opinion that this appeal can be disposed of by providing that, while initiating any action of eviction against the appellant herein in terms of the impugned judgment dated 29th July, 2026, the respondent No. 4 shall not only hear the appellant but shall also take into consideration the pendency of the civil suit between the appellant and the Union Territory.

4. With the aforesaid modification, this appeal is, accordingly, **disposed of.**

(Mohd Yousuf Wani) **(Sanjeev Kumar)**
Judge **Chief Justice (Acting)**

SRINAGAR:
01.09.2026
"ARIF"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

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