Serial No. 79
Supp. Cause List-I

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

WP(C) 2460/2026 CM(6650/2026)

GHULAM HASSAN DANGROO …Petitioner(s)/Appellant(s).

Through: Ms. Insha Rashid, Advocate

Vs.

UNION TERRITORY OF J AND K AND OTHERS

...Respondent(s).

Through: None

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

29.09.2026

1. Heard the learned counsel for the petitioner in respect of the matter.

2. The petitioner appears to have directly invoked the writ jurisdiction of this Court in terms of the provisions of Article 226 of the Constitution of India, despite having alternate and efficacious remedy available to him in respect of the subject matter under the provisions of the Code of Civil Procedure.

3. The case of the petitioner in nutshell is that there is a civil suit going on between him and the private respondents in the court of learned Sub Judge Vailoo Anantnag, in which the learned trial court has already passed an ad-interim order of status-quo of. That the said order of status-quo has been violated by the private respondents, who have proceeded to raise construction on the subject matter of the dispute. That he was constrained to approach the learned trial court seeking implementation of

the order of status-quo but the Police concerned failed to implement the order despite the direction of the learned trial court.

4. The Code of Civil Procedure, 1908 embodies the complete mechanism under its different provisions to take care of the alleged grievance of the petitioner.

5. The learned trial court cannot be supposed to be powerless to take care of the grievance of the petitioner and pass appropriate orders under law on any application of the petitioner. The petitioner is not aggrieved of the order of status-quo but of the violation of the same at the hands of the private respondents. The provisions of the rule 2(a) of order 39 CPC take care of the circumstances under which disobedience of the interim orders is committed. The petitioner has also got remedy against any appealable order of the civil court.

6. The instant petition is accordingly disposed of at this threshold stage with the advice to the petitioner to approach the competent trial court seeking redressal of his grievance. The learned trial court, if, being approached with an appropriate motion by the petitioner shall proceed on the same strictly in accordance with the law. Needless to say that the petitioner is also at liberty to avail the appellate as well as the revisional jurisdiction, if applicable.

7. **Disposed** of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
29.09.2026
Opinder