



Government of Jammu & Kashmir
Govt. Medical College, Srinagar
98-Karan Nagar, Srinagar, J&K-190010
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Subject: - Consideration Order in the case bearing WP(C) NO.: 1803/2022 titled Fayaz Ahmad Dar Vs UT of J&K and Ors.

ORDER: 32 of 2026

DATED: 29.10.2026

Whereas, the immovable property (Land) was acquired for the public purpose for setting up a Super Specialty/Trauma Hospital at Shreen Bagh, Srinagar.

And Whereas, the said acquisition of land was challenged before the Hon'ble Court by filing a writ bearing OWP No. 149/2009 titled Oriental Carpet Factory Vs State Of J&K and Ors. And later on writ petition came to be disposed of vide judgment dated 15.09.2011, wherein it was provided that the respondents shall be free to take over the possession of the disputed land and the structures stand thereon and the land was needed in the general public interest for setting up a Super Specialty/Trauma Hospital and the petitioners had already been compensated by the Government and has no right or locus-standi to claim allotment of shop or rehabilitation.

And Whereas, so far as subject matter of the writ petition is concerned, the petitioner claims to have established a Medical Shop under the name and style F."M Medicate at Shreen Bagh near Dental College. Srinagar, of which he claims to be the tenant, which as allegedly by petitioner is owned by one of the shareholders of Oriental Carpet Factory.

And Whereas, the petitioner filed OWP No. 1302/2011 titled Fayaz Ahmad Dar VS State of J&K and Others. And the petitioners claiming therein to be the tenants of immovable property of land lord that has been acquired by the institution for the public purpose (setting up a super specialty/Trauma Hospital at Shireen Bagh, Srinagar), and the piece of land upon which the structure of shop is unlawfully, illegally occupied by the petitioner is required for connecting the (STP) Sewage treatment plant for the traumatology (Super Specialty Hospital) which was vital requirement for the department in the interest of public at large especially for the betterment of patient care and for smooth functioning of the Hospital for the patients whose Diseases/Surgeries are of sensitive nature and the answering respondents then have filed the detailed objections/para-wise reply in the petition before the Hon'ble Court and the writ petition later on came to be disposed of on 06.02.2013 with the direction to the respondents to consider and take decision within two weeks from the date of filing of representation by the petitioner before office of respondents and the respondents had examined/considered the representation of the petitioner in light of rule position/standing norms and keeping in view the respondents have no authority/jurisdiction to provide any alternate space to the petitioner that too when the petitioner is in illegal possession of the said shop in question and claim of the petitioner especially representation had been



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examined/considered on its merits under rules and found devoid of any merit and rejected vide order No. 100/2013 dated 21.02.2013.

And Whereas, the petitioner filed another writ petition bearing OWP No. 82/2013 titled Fayaz Ahmad Dar VS State of J&K and others. Wherein the petitioners claimed that his Medical Shop has developed Cracks as such has become unsafe, petitioner accordingly prayed in the petition for being provided another shop which accordingly to the petitioner was available adjacent to the petitioners shop and the answering respondents have then filed detailed objections/reply in the matter and the writ petition later on came to be disposed of vide order dated 22.01.2013 and the Hon'ble High Court directed the respondents to take decision preferably within two weeks from the date of filing of representation by the petitioner. Accordingly, matter was considered in compliance of the Hon'ble High Court order and same was rejected vide this institution order No. 98/2013 and it was found petitioner was running the Medical Shop illegally in as much as rent deed was executed by one Mst. Haneefa Shora who was not the shareholder/owner of land as per the report of the Tehsildar concerned that the land upon which the structure of shop was unlawfully and illegally occupied by the petitioner was required for connecting the (STP) sewerage treatment plant for the traumatology (Super Specialty Hospital) which happens to be the eager requirement for the department in the larger public interest especially for the betterment of patient care and for smooth functioning of Hospital.

And Whereas, the petitioner again filed a writ before the Hon'ble Court bearing OWP No. 157/2013 titled Fayaz Ahmad Dar Vs State of J&K and Others and the writ petition later on came to be disposed of 15.12.2015 directing therein the respondents to consider the afresh petitioners claim and take a decision within reasonable time frame, preferably within eight weeks from the date copy of the order received by them and accordingly claim of the petitioner has been considered/examined and keeping in view of the general public and patient care in particular the claim of the petitioner is rejected vide this institution order No. 607 of 2016 dated 20.10.2016.

And Whereas, the said space/shops illegally occupied by the petitioner is hampering the construction work of the main Entrance Gate of New OPD Block of Super Specialty, Hospital Shiren Bagh, Srinagar, due to which the completion of the project is getting delayed and is against the public interest and jeopardizing the patient care at tertiary care Health Facility since it the matter is of public interest and it is well versed proportion of law that individual interest (Illegal interest of FM Medicate) are far that matter smaller public interest must yield to the larger interest and it is a nature principal that the public interest must prevail over the individual or small interest and in this case larger/wider public interests are involved as for as the construction work of main Entrance of the new OPD Block at SSH, is concerned the said project will yield enhanced patient care management.



And Whereas, the Show cause notice under section 4(1) of the J&K Public Premises, (Eviction of Unauthorized Occupants) Act 1988, vide No. Estate/MC/SSH-Eviction/866-71 Dated 14.08.2022 was served upon the petitioner, wherein the petitioner was called upon to show-cause as to why the order of eviction should not be made.

And Whereas; the petitioner approached the Hon'ble Court in the case bearing WP(C) No.1803/2022 titled Fayaz Ahmad Dar Vs UT of J&K and Others. Wherein the petitioner prayed for the following reliefs in the instant petition:

1. That the impugned consideration order bearing No. 607 of 2016 Dated 20.10.2016 along with notice issued to the petitioner by the respondents on 14.08.2022 under section 4(1) be quashed along with all proceedings initiated against the petitioner under the said Act.
2. The respondents be prohibited from interfering in peaceful possession of the shop in question and business being conducted therein in any manner whatsoever and be directed to regularize the tenancy of the petitioner in accordance with law. Or in the alternative the respondents be directed to grant suitable shop to the petitioner by rehabilitating him so that his right to livelihood is protected, as same shall be in the interest of justice and equity.

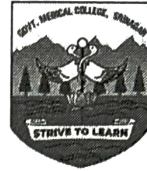
And Whereas; Whereas the Hon'ble High Court in terms of order dated 18.09.2026 passed in WP(C) No. 1803/2022, disposed of the writ petition, operative portion of which reads as under:

"Therefore, this Court is inclined to dispose of this writ petition, without adjudication on merits of the claim of the petitioner qua the premises in reference and the standpoint of the respondents vis-à-vis said claim of the petitioner, by directing the respondent No. 6 to consider the show cause reply as already submitted by the petitioner and also affording an opportunity of making additional or supplementary reply and leading the evidence in support of his claim, as the case may be, as envisaged under section 5 of the J&K Public Premises (Eviction of Unauthorized Occupants) Act, 1988, and then pass final order bearing reasons, be it adverse to the petitioner or in his favour, as the case may be, on the facts and circumstances WP(C) No. 1803/2022 Page 6 of 6 of the case against which the petitioner shall be at liberty to avail the appellate remedy available under section 12 of the J&K Public Premises (Eviction of Unauthorized Occupants) Act, 1988.

The needful exercise at the end of the respondent No. 6 to be done by properly notifying the petitioner about date of appearance for hearing of the matter in connection with the enquiry proceedings before him. 15. Till the passing of final order taking place under section 5 of the J&K Public Premises (Eviction of Unauthorized Occupants) Act, 1988 from the end of the respondent No. 6, the petitioner's use and occupation of the premises in reference shall not be disturbed. 16. This Court has not made any observation touching upon the merits/demerits of the



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*case of either side so as to ensure that the legal course of action under the J&K Public Premises (Eviction of Unauthorized Occupants) Act, 1988 remains uninfluenced.
Disposed of."*

And Whereas; in pursuance to the aforementioned court order, the petitioner was provided/afforded an opportunity of being heard and to furnish supplementary affidavit in addition to the already furnished response to the eviction notice served by this department vide No. Estate/MC/SSH-Eviction/866-71 Dated: 14-08-2022, upon you under section 4(1) of the JK Public Premises (Eviction of Unauthorized Occupants) ACT 1988.

And Whereas, the petitioner appeared before the authorities on 16.10.2026 and given an opportunity of being heard and to submit his supplementary response. Accordingly, the reply and supplementary reply furnished by the petitioner was thoroughly examined by the competent authority and it was found the petitioner seeks for rehabilitation/alternative space. However, he failed to produce any valid document in support to substantiate his claim and has further requested that if department has to demolish the illegal structure at the spot, the petitioner may kindly be rehabilitated to some other place on humanitarian grounds.

And Whereas, the petitioner was informed as a rehabilitation of petitioner in accordance with the law and policy on the subject is concerned, it is noteworthy that there is no such policy in the subject issued by the Government in Health and Medical Education Department that provides for rehabilitation of the persons running any sort of business (unauthorizedly) within the Premises of Government Medical College, Srinagar and Its Associated Hospitals. Accordingly, the department is not competent to provide for rehabilitation of the petitioner. And the petitioner being illegal occupant of the premises can't be rehabilitated by the department as it is beyond the domain of this department.

And Whereas, the space (Shop) illegally occupied by the petitioner is coming in the way of construction work of Entrance of newly OPD Block of Super Specialty Hospital, Srinagar, which construction work is undoubtedly in the public interest and therefore the petitioner has to pave way for the public interest to prevail over his individual interest.

And Whereas, the petitioner is deceiving/Misleading the Hon'ble Court by using his misinterpreted facts and habitual litigant approach and have dragged the answering respondents in a false and frivolous litigations from time to time.



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Now therefore, in compliance to the Hon'ble High Court order dated 18.09.2026 passed in WP(C) No. 1839/2022 titled Fayaz Ahmad Bhat Vs UT of J&K and Ors, and after threadbare discussion, the reply along with the supplementary reply furnished by the petitioner had been considered/examined in light of rules/standing norms/orders governing the field and was found devoid of any merit and as such, is hereby rejected.

(Prof. Dr. S.M Salim Khan)
Estates Officer (Eviction)
Govt. Medical College,
Srinagar.

No. *Estate/mc/ Eviction/1447-54*

Dated: 29 /10/2026

Copy to:

1. Secretary to the Government, Health and Medical Education Department, Civil Secretariat Srinagar/Jammu, for information.
2. Principal/Dean, Govt. Medical College, Srinagar, for information.
3. Administrator, Associated Hospitals, Govt. Medical College, Srinagar.
4. Medical Superintendent, Govt. SSH Hospital, for info & N/a.
5. Assistant Legal Remembrancer, Govt. Medical College, Srinagar.
6. Estates Officer, Govt. Medical College, for info and N/a.
7. In-charge I.T section, with the request to upload the order on official website of this institute.
8. Concerned Petitioner for information and Compliance.