

HIGH COURT OF AZAD JAMMU AND KASHMIR

Writ Petition No.684/2025.

Date of institution 21.03.2025.

Date of decision 23.07.2025.

1. Sangu Travels Transport (Private Ltd.) through Sardar Tabarak Ali S/o Sardar Rehmat Ullah R/o village Gojra, District Muzaffarabad (Owner/ Managing Director MS Sangu Travel (Pvt.Ltd.).
2. Sardar Tabarak Ali S/o Sardar Rehmat Ullah R/o village Gojra, District Muzaffarabad, owner/Managing Director MS Sangu Travel (Pvt.Ltd.).

...Petitioners

VERSUS

1. Senior Member Board of Revenue/Appellate Transport Authority Azad Jammu & Kashmir Muzaffarabad, having office at New Secretariat Chatter Muzaffarabad.
2. Transport Operative Union Muzaffarabad Division through Syed Mehar Ali Gillani President Union.
3. Syed Amjad Hussain General Secretary Transport Operative Union Muzaffarabad Division.
4. Khawaja Azam Rasool, Vice President Transport Operative Union Muzaffarabad Division.
5. Waqas Awan and Muhammad Farooq Ghani S/o Abdul Ghani owner Ithaad Bus Service Muzaffarabad.
6. Yasir Hussain Shah S/o Zakir Hussain Shah, owner Sadaat Transport Authority Muzaffarabad, Nos. 2 to 6 Bela Noor Shah General Bus Stand Muzaffarabad.

...Respondents

7. Azad Jammu and Kashmir Transport Authority through Secretary Transport Authority Azad Jammu & Kashmir office situated at Old Secretariat Muzaffarabad.
8. Municipality Corporation Muzaffarabad through Administrator, Municipal Corporation Muzaffarabad.
9. Deputy Commissioner Neelum Office Headquarter Athmuqam.
10. Superintendent Police District Neelum Office District Headquarter Athmuqam.
11. Municipal Committee Athmuqam through Municipal Committee Athmuqam District Neelum.
12. Town Committee Kail through Chairman Town Committee District Neelum.

....Proforma-respondents

WRIT PETITION

Writ Petition No.778/2025.

Date of institution 28.03.2025.

1. Sangu Travels Transport (Private Ltd.) through Sardar Tabarak Ali S/o Sardar Rehmat Ullah R/o village Gojra, District Muzaffarabad (Owner/ Managing Director MS Sangu Travel (Pvt.Ltd.).
2. Sardar Tabarak Ali S/o Sardar Rehmat Ullah R/o village Gojra, District Muzaffarabad, owner/Managing Director MS Sangu Travel (Pvt.Ltd.).

...Petitioners

VERSUS

1. Azad Jammu and Kashmir Transport Authority through Secretary Transport Authority Azad Jammu & Kashmir office Old Secretariat Muzaffarabad.
2. Secretary Transport Authority Azad Jammu and Kashmir office Old Secretariat Muzaffarabad.
3. Chairman Regional Transport Authority AJ&K Muzaffarabad.
4. Deputy Commissioner Neelum.
5. Superintendent Police District Neelum.
6. Municipal Committee Athmuqam through Administrator Municipal Committee having offices at District Headquarter Athmuqam.
7. Town Committee Kail.
8. Transport Operative Union Muzaffarabad Division through Syed Mehar Ali Gillani President Union.
9. Syed Amjad Hussain, General Secretary, Transport Operative Union Muzaffarabad Division.
10. Khawaja Azam Rasool, Vice President Transport Operative Union Muzaffarabad Division.
11. Waqas Awan S/o Abdul Ghani.
12. Muhammad Farooq Ghani S/o Abdul Ghani owner Ithaad Bus Service Muzaffarabad.
13. Yasir Hussain Shah S/o Zakir Hussain Shah, owner Sadaat Transport Muzaffarabad, Nos. 8 to 13 Bela Noor Shah General Bus Stand Muzaffarabad.
14. Deputy Commissioner Muzaffarabad.
15. Senior Superintendent Police, Muzaffarabad, having office Nos.14&15, District Complex Muzaffarabad.

...*Respondents*

WRIT PETITION

Before:- Justice Syed Shahid Bahar, J.

In presence of:

Ch. Shabir Ahmed, Advocate for the petitioners.

M/s Mir Sharafat Hussain and Adnan Ahmed Pirzada, Advocates for respondents No.2 to 6 in writ petition No.684/2025 and for respondents No.8 to 13 in writ petition No.778/2025.

Judgment:-

As identical law points and facts are involved in both the titled writ petitions, therefore, these were clubbed up and are decided through instant judgment, after receiving written arguments from the parties.

2. Writ petition No.684/2025 instituted on 21.03.2025 by the petitioner Sangu Travels Transport through its MD Sardar Tabarak Ali, under Article 44 of Azad Jammu and Kashmir Interim Constitution, 1974, whereby infra relief has been solicited by the petitioner:

“It is, therefore, very humbly prayed on behalf of the petitioners that by accepting the instant writ petition may kindly be set aside the impugned judgment/order of learned Senior Member Board of Revenue/Appellate Transport Authority (non-petitioner No.1) dated 11.03.2025, declaring as illegal, unjust & against the spirit of law and justice. It is further prayed that may kindly be restored the D class stand approval order dated 03.10.2024 issued in favour of the petitioners.”

3. Facts briefly stated are that Sangu Travels Transport Pvt. Ltd. is a registered Firm. Petitioners contended that after registration under the relevant laws and formulation of its directors, Firm initiated its business by investing millions of rupees in constructions of the Bus

Stands and purchasing of luxury vehicles keeping in view the latest well furnishing facilities for the local passengers and tourists. Petitioner initially after sanctioning of D-Class Bus Stand, started his business to carry on the passengers through its luxury vehicles from Muzaffarabad to Rawalpindi as per approvals of the route permits. Petitioner averred that after passage of time and on the demand and as per requirement of the inhabitants of District Neelum, petitioner further invested money and purchased land in village Tao-Butt, Kail and Sharda for D-Class Stand and Bus Stops at different places. After purchasing of the land, petitioners constructed the D-Class Stand and Bus Stops according to the requirements of Transport Authority and passengers. On the application of the petitioner, concerned quarters after spot inspection issued reports and no objection certificate in favour of the petitioners. Later on, after completion of all the legal process, the transport authority agreed for approval of D-Class Stand at Kail District Neelum instead of Tau-Butt. Petitioners contended that after completion of all the legal process and keeping in mind better facilities and requirements of the local passengers and tourists Transport Authority vide order dated 03.10.2024 approved the D-Class Stand in favour of Sangu Travels Pvt. Ltd. accordingly Form Stand D was issued on 03.10.2024. Petitioners alleged that the private respondents who are neither owners of any Bus Stand at anywhere in District Neelum, nor have any concern with the transport of petitioners, who without any justification challenged the approval of D-class stand dated 03.10.2024 by way of appeal before the court of respondent No.1 being Appellate Transport

Authority, whereas the respondent No.1 without any justification through a telegraphic order accepted the Appeal of the irrelevant persons and recalled the D-class stand approval dated 03.10.2024 through impugned judgment dated 11.03.2024, hence, instant petition for setting aside the same.

4. Written reply was filed on behalf of respondents No.2 to 6 in writ petition No.684/2025, wherein the claim of the petitioners has been negated. They contended that the petitioners have failed to point out any illegality or irregularity in the impugned order passed by the respondent No.1, hence, petition is liable to be dismissed. The respondents averred that the petitioners misconceived the facts and there is no provision in the statute for grant of temporary D-Class Stand, hence, the impugned order is rightly set-aside by the appellate authority which cannot be challenged through extraordinary jurisdiction of this Court, hence, petition is liable to be dismissed. The private respondents refuted the whole stance of the petitioners and prayed for dismissal of the writ petition.

5. In writ petition No.778/2025, the petitioners Sangu Travels prayed as infra:

“It is, therefore, very humbly prayed on behalf of the petitioners that by accepting the instant writ petition, the private non-petitioners may kindly be restrained from continuing the illegal business regarding carrying on their transport from Authmuqam to Kail without approval and establishing of any Bus Stand in their favour.

It is further prayed that official non-petitioners may kindly be directed to stop the illegal transport business of the private non-petitioners on the route of Authmuqam to Kail.

Any other relief admissible under law may also be granted in favour of the petitioners.”

6. In reply of writ petition No.778/2025, written reply i.e. comments/written statement has been filed on behalf of respondents No.9 to 13, in which the claim of the petitioners has been negated. They contended that this Court in writ jurisdiction cannot restrain any vehicles on the wishes of the petitioners, as writ petition has been filed with malafide intention to counter the judgment passed on the appeal of the respondents by the statutory authorities, the plying of the vehicle, route permit and stand permits etc. are within the exclusive jurisdiction of the Transport Authority regulated by the Motor Vehicle Act and Motor Vehicle Rules, thus ,the petition is liable to be dismissed as alternate efficacious remedy are available in the statutory provisions of law. Respondents averred that the petitioner obtained D-Class Stand by illegal means without any recommendations at Kail which has been cancelled. They vehemently contended that the petitioners are misleading the Court as the petitioners have no any new vehicle on his name, petitioners presented only route permit of 03 vehicles in the other writ petition, illegally obtained the Company Stand D-Class at Kail which was cancelled by the authority, while the respondents are plying new vehicles more than 57 vehicles in the route, practically the petitioners violated the law by entering the District Neelum to damage the business of the private respondents in illegal way. The respondents refuted the whole stance of the petitioners and prayed for dismissal of the writ petition.

7. In this case, the Hon'ble Apex Court vide order dated 05.06.2025 directed this Court to decide the main lis between the parties within a period of two months from the communication of the aforesaid order. Direction of the Apex Court was received to this Court on 13.06.2025. After completion of files, this Court vide order dated 26.06.2025 directed the learned counsel for the parties for filing written arguments within 10 days. Arguments received.

8. I have taken stock of the written arguments submitted on behalf of the parties and perused the record of the case with due care.

9. In writ petition No.684/2025, the petitioners Sangu Travels Transport/petitioners claiming that the impugned order dated 11.03.2025 passed by respondent No.1-Senior Member Board of Revenue/ Appellate Transport Authority, may be set aside and D-Class Stand approval order dated 03.10.2024 issued in favour of petitioners may be restored.

10. While in connected writ petition No.778/2025, the petitioners Sangu Travels etc. are also seeking direction against the official respondents to restrain the private respondents from continuing the illegal business regarding carrying on their transport from Athumqam to Kail without approval and establishing of any Bus Stand in their favour and they further are seeking direction against the respondents to stop the illegal transport business of the private respondents on the route of Athmuqam to Kail.

11. Whereas, stance portrayed by the petitioners in their petition that the private respondents No.2 to 6, who are neither owner

of any private D-Class Stand nor have any route permits of the Neelum Road Route and they without any route permits and fitness certificate carried on the old & unfit vehicles illegally, which caused accidents of the local passengers and tourists, while, petitioner legally got the Route Permits and fitness certificate of the vehicles and now after completion of all the legal requirements, petitioners are ready to commence the business, whereas respondent No.1 Senior Member Board of Revenue/Appellate Transport Authority, without assigning any reason on the appeal of the irrelevant persons set-aside the D-class stand approval.

12. Under Rule 230(2) of the Azad Jammu and Kashmir Motor Vehicle Rules, 1973, before approval of Stand or in selecting a site for stand, the Provincial Transport Authority shall be guided by any opinion given by the District Magistrate and the Superintendent of Police concerned.

13. In the instant case, Secretary Azad Kashmir Transport Authority wrote a letter on 8.04.2024 to the District Magistrate Neelum and S.P, Neelum, to submit their reports. Summary of the said letter, i.e. final two lines, are reproduced as under:

”بمہربانی مجوزہ جگہ برائے قیام اڈہ کی موزونیت، ملکیت اراضی، مختص شدہ رقبہ اور نقشہ موقع کے بارہ میں اپنی رپورٹ اتھارٹی ہذا کو بوجھت ممکنہ براہ راست ارسال فرمائیں تاکہ مطابق مزید کارروائی ضابطہ عمل میں لائی جاسکے۔
والسلام

دستخط

سیکرٹری

آزاد کشمیر ٹرانسپورٹ اتھارٹی“

14. Report (Annexure PB/6) regarding land bearing khasra No.162 total measuring 02 kanal 10 marlas, situated at village Tau-Butt,

for D-Class Stand in favour of petitioner Sardar Tabarak (owner/MD Sangu Travels Transport) for approval was submitted by DC Neelum to Secretary Azad Kashmir Transport Authority. While Report of SP, Neelum was also submitted to Secretary Transport Authority vide letter dated 10.06.2024 (Annexure PB/7). The relevant extract of the aforesaid letter is reproduced as under:

”مطابق موصولہ رپورٹ SHO صاحب تھانہ کیل، برسیڈگی موضع تا ڈبٹ موضع ملاحظہ کیا گیا اراضی خسرہ نمبر 162 تعدادی 02 کنال 10 مرلہ واقع موضع تا ڈبٹ روڈ کے ساتھ عقبی جانب واقع ہے۔ اراضی متذکرہ میں دیگر کسی شخص کو اڈا کے قیام کے حوالہ سے کوئی اعتراض نہ ہے سائل عوامی سہولت کے پیش نظر ساگٹوڑ پلز کا D کلاس سٹینڈ قائم کرنے کا خواہاں ہے جو عوام علاقہ کی سہولت/مغاد میں ہے۔ سائل نے مجاز اتھارٹی سے NOC حاصل کی ہوئی ہے سائل کے حق میں D کلاس سٹینڈ کی منظوری کے حوالہ سے مقامی پولیس کو کوئی اعتراض نہ ہے۔

رپورٹ بمطابق ملاحظہ و مزید کارروائی ارسال خدمت ہے۔

دستخط

سپرٹنڈنٹ پولیس

ضلع نیلم

15. After brooding over the entire documents appended with the petition, relevant law and rules, it reflects that petitioners have complied with all the requisite criteria regarding approval of D-Class Stand, consequently same was issued in favour of the petitioner.

16. Observations of the Appellate Authority are not plausible. Appellate authority has failed to record valid reasons regarding cancellation of permission of D class stand, that too which is based upon record of factual inquiry.

17. It is necessary to reproduce the conditions of D-Class Stand mentioned in the letter dated 03.10.2024 is as infra: i.e.,

- ۱۔ متذکرہ سینڈ قسطی عارضی طور پر قائم کیا جائے گا۔ کیل تا تاؤبٹ سڑک کی تکمیل پر مذکورہ اوڈہ کو ختم کرتے ہوئے تاؤبٹ ضلع نیلم کے مقام پر مطلوبہ سہولیات/لوازمات کی تکمیل پر دو بارہ اوڈہ لائسنس حاصل کیا جائے گا۔
- ۲۔ مالک اوڈہ موٹر ویکل رولز 1973 کی دفعہ 231 کے تحت سینڈز میں جملہ مطلوبہ لوازمات/سہولیات مثلاً مسافروں کے لئے انتظار گاہ زنانہ / مردانہ، بیت الخلاء، زنانہ/مردانہ، مسافروں کے لئے پینے کا صاف پانی، بنگ آفس وغیرہ مکمل کرنے کا پابند ہوگا۔
- ۳۔ موٹر ویکل رولز 1973 کی دفعہ 231 کے تحت ہر موقع مطلوبہ لوازمات مکمل نہ ہونے کی صورت میں محکمہ ہذا کے کسی بھی آفیسر کی رپورٹ کی روشنی میں اوڈہ لائسنس منسوخ کر دیا جائے گا۔
- ۴۔ ٹرانسپورٹ کمپنی کی گاڑیاں اپنے مختص شدہ سٹاپ کے علاوہ دیگر کسی جگہ کھڑی نہ ہوں گی۔
- ۵۔ مذکورہ سینڈ مالک/کمپنی کے نام رجسٹرڈ/روٹ پر مٹ یافتہ گاڑیاں ہی چلانے کے پابند ہوں گے۔

دستخط
اسسٹنٹ سیکرٹری
آزاد کشمیر ٹرانسپورٹ اتھارٹی

18. Record also reveals that the Town Committee Kail and the learned Deputy Commissioner, Neelum, categorically verified that, apart from the D-Class Bus Stand operated by Sangu Travels, no other Government or private Bus Stand exists in Kail. Petitioners also attached a copy of the acknowledgement of Firm Registration alongwith the Board of Directors Resolution in compliance with Order XXIX Rule 1 of the CPC. Relevant documents have been annexed with the writ petition from pages 41 to 46.

19. As per rule 230 of the AJK Motor Vehicles Rules, 1973, opinion of the relevant District Magistrate in a shape of guidance is pre requisite qua establishment of stands, and the same was obtained by the Transport Authority. Record revealed that other protocols indicated by the Motor Vehicles law were observed.

20. Consideration governing the location of stands & conditions applicable to all stands are given in rule 230 & 231 of the AJK Motor Vehicles Rules, 1973. It is useful to reproduce the said rules as follows: i.e.,

- 230. Consideration governing the location of stands:-** (1) In deciding whether to grant permission for the use of any place as a stand or as a place for the loading, un-loading and halting of goods vehicles, the Provincial Transport Authority shall have regard to the following matters:-
- (a) the interest of the public generally and the efficient organization of motor transport;
 - (b) the suitability of the site from the point of view of traffic control;
 - (c) the avoidance of annoyance to persons living or having property in the locality.
 - (d) the suitability of the site in relation to other stands in the same town; and
 - (e) any other considerations that may appear to be relevant.
- (2) In selecting a site for stand, the Provincial Transport Authority shall be guided by any opinion given by the District Magistrate and the Superintendent of Police concerned.
- 231. Conditions applicable to all stands:-** (1) Every order permitting a place to be used as a stand of Class B, C or D shall be subject to the following condition namely:-
- (a) that the land and buildings of the stand shall at all times be kept clean and in a good state of repair;
 - (b) that the stand shall be administered in a seemly and orderly manner;
 - (c) that the person, company or authority permitted by the provincial Transport Authority to use the place as a stand shall take all possible precautions to ensure that no breach of the Ordinance or of these rules is committed in respect of any vehicle entering or leaving or halting at the stand and that any such breach is reported to the nearest officer of police;
 - (d) that a board shall be set up in a conspicuous position at the stands showing the fees payable (if an order has been made fixing the fees) and that the full amount of fees due from the owners and drivers of vehicles shall be charged neither more nor less.
- (2) In making an order permitting a place to be used as a stand, the Provincial Transport Authority may further attach to it any one or more of the following conditions, namely, that the local authority or person authorized to administer the stand shall:-
- (a) maintain such records as the Provincial Transport Authority may from time to time direct;
 - (b) employ such staff at the stand as may be specified in the order;

- (c) provide waiting rooms for the largest number of passengers that may reasonably be expected to use the stand at any one time, including separate accommodation for women.
 - (d) provide a suitable lavatories for both sexes;
 - (e) provide rests rooms for driver and conductor of the vehicles regularly kept at the stand.
 - (f) provide an adequate supply of drinking water for passengers, drivers and all persons likely to be employed at the stand;
 - (g) provide covered accommodation or other form of shelter for all the vehicles regularly kept at the stand or for such percentage of those vehicles as the provincial Transport Authority may specify;
 - (h) provide for the illumination of the stand at night;
 - (i) provide, in a separate portion of the stand, facilities for washing and cleaning vehicles and for executing ordinary repairs.
- (3) With the approval of the Provincial Transport Authority, the District Magistrate may attach to the order any other condition that may seem to him to be necessary to secure the efficient administration of the stand or otherwise to be in the public interest.

21. In juxtaposition rule 241 envisages powers of authority qua cancellation or orders for the establishment of the stand. Rule 241 is reproduced as infra:-

241. Cancellation of orders for the establishment of stands:- (1) A Provincial Transport Authority may at any time revoke any order made by itself permitting the establishment of any stand if in its opinion any of the conditions on which the stands was permitted to be established have been contravened or the stand has not been satisfactorily managed or its continuance is no longer in the public interest.

(2) Before revoking any order under the preceding sub-rule the Provincial Transport Authority shall give the person authorized to administer the stand an opportunity of being heard, and shall record his reasons in writing.

(3) If an order permitting establishment of a stand is not revoked under sub-rule (1) it shall remain in force for three years or such lesser period as may be mentioned in the order and may be renewed from time to time by the Provincial Transport Authority for a further period of not more than three years."

Under sub rule (2) of the rule 241, it is mandatory for the Authority to provide opportunity of hearing to the relevant person before revocation of any order pertaining to permission of stand. Audi alteram partem is a golden universally accepted principle of law. Moreover, a right of fair trial is appearing in the list of Constitutionally Fundamental right as right No.19.

22. Order impugned passed by the appellate authority is lacking fairness and transparency. Complete competition in business affairs & equal opportunity to carry any business is a fundamental right (subject to conditions imposed by law) mere shortage of some marlas of land could not provide room for cancellation of permission particularly in hilly areas where sufficient plain lands are not available, hardships should be taken into consideration in such like eventualities.

23. **The State bears an indispensable obligation to cultivate an environment of equitable competition within the transport sector, given that the freedom of trade, business or profession is a Fundamental Right i.e. right No.8. Embracing the tenets of laissez-faire¹ to encourage economic liberty, subject to public interest, the Government must proactively ensure a genuinely level playing field in such a manner that each rival and competitor can vie for business solely on the merits of their efficiency, innovation and service quality.**

(Emphasis supplied)

¹. It is French term that literally means “let people do as they choose”. It is the governmental abstention from interfering in economic or commercial affairs. In essence, it refers to a doctrine of minimal government interference in the affairs of society and individuals, particularly in economic activities. See Black’s Law Dictionary, 11th Edition.

24. It is right of any owner of vehicle to have his own arrangements of parking/establishment of bus stand. It is flabbergasting, how the private respondents can be allowed to question the establishment of such arrangement/establishment of bus stand by the petitioner. Desire to maintain monopoly in any trade or business cannot be encouraged because monopoly direct opposes laissez-faire. While laissez-faire assumes competition for optimal markets, monopoly eradicates it.

25. As floating from the surface of record nothing is to be taken with a grain of salt, order impugned is faulty on the very face of it and calls for indulgence on different counts: i.e.

- (i) Order under challenge lacks reasoning and rationale as required by the Section 24-A of the General Clauses Act; and
- (ii) Order impugned is in stark violation of constitutionally guaranteed fundamental rights particularly right to life, right to lawful business and equality clause.

26. Cancellation of license issued in favour of the petitioner offends the doctrine of 'Locus Poenitentiae' and doctrine of 'Reasonable Expectations', besides in opposition with the fundamental right No.1 & 15.

27. **Respondents have fallen flat to justify and defend the order impugned, official respondents put them in a difficult predicament by reversing the orders passed in favour of the petitioner at random. Well managed and comfortable transport service in private sector is a need of the hour in hilly and remote areas (like**

Neelum Valley) and beneficiary of such transport service is public at large. Interest of public at large should and could not be sacrificed for the interests of a miniscule number of people, as resultantly it will create a state of chaos in the society as well. In such like matters benchmark should always be interest & welfare of the public at large, by observing the boundaries of law under the umbrella of the Constitution.

(Underlining is mine)

28. Doctrine of 'equality' taking breath from horizon of fundamental rights enshrined in the Constitution carries multiple dimensions. If authority at the helm of affairs turns a blind eye qua dispensation of administrative justice, High Court as a Custodian of the Constitution can execute and enforce the command of the Constitution. Myraid injustices and deviation of fundamental right remained unattended by the Appellate Authority, but when High Court comes across any violation of the command of the Constitution this Court cannot shut its eyes, as writ is answer of such incorrigible injustices.

29. The power of the writ Court is extremely wide and the hands of the writ court can reach everywhere. High Court while exercising powers conferred under Article 44 of the AJ&K Interim Constitution, 1974 is a writ Court, and in this connection, if true desiderata flowing from constitutionally guaranteed fundamental right is asked for by an aggrieved person in search of solace, High Court cannot sit on the fence by allowing the violation of guarantees of certain rights listed in Article 4 of the Constitution. Although, equality

among equals is command of the Constitution, but for its all practical purposes it is yet a taboo in our society, class and clan discrimination/ favouritism is yet holding the field and a common phenomenon.

(Emphasize supplied)

30. It is quite natural that petitioner and respondents are at an impasse due to their business rivalry.

31. Ruction occurred over running transport service in Neelum Valley. Petitioner obtained sanction for bus stand in Neelum Valley in accordance with law, while in juxtapose the respondent No.2 & 6 are neither owner of any bus stand in Neelum Valley nor by any way can be assumed affectee of the bus stand established by the petitioner. Appellate authority has failed to attend and adhere to this aspect of the matter while allowing appeal of the private respondents.

32. It transpires from the record that sanction of establishment of the bus stand in favour of the petitioner was accorded in light of the fulfillment of all the pre-requisites in this regard and relevant authority DC Neelum recommended the authority for issuance of license. SP Neelum has also issued NOC with a specific wording:

”سائل عوامی سہولت کے پیش نظر ساگلوٹریولر کا D کلاس سٹینڈ قائم کرنے کا خواہاں ہے جو عوام علاقہ کی سہولت/ مفاد میں ہے۔“

33. So far as the relief claimed by the petitioner qua restraining the private respondents from carrying on their transports from Authmuqam to Kail is concerned, same is discarded and writ petition to that extent is dismissed. However, the writ petition having nexus with the relief in the writ petition No.684/2025 is disposed of accordingly.

34. Nub of the above discussion is that writ petition No.684/2025 is allowed, order impugned dated 11.03.2025 is set-aside, while relief claimed in connected writ petition No.778/2025 to the extent of restraining the private respondents from carrying on their transports from Authmuqam to Kail, is turned down.

No order as to costs. File shall be moved to archive.

Muzaffarabad,
23.07.2025.

JUDGE

Approved for reporting

JUDGE