

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

Case: WP(C) No. 3032/2024

Sansar Singh

..... Petitioner(s)/Appellant(s)

Through :- Mr. Rakesh Chargostra, Advocate

Vs

U.T. of J&K and Ors.

.....Respondent(s)

Through :- Mr. Om Goswami, Advocate vice
Mr. Rajnish Raina, Advocate for R- 2 to 4

**CORAM:
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER
24.12.2024**

01. After arguing for a while, learned counsel for the petitioner submits that he would feel satisfied in case a direction is issued to respondent nos. 2 to 4 to accord consideration to the representation dated 28.10.2024 alleged to have been filed by the petitioner seeking extension of his building permission, which has since expired and the copy of the said representation has been placed on record as Annexure-VIII.

02. It is the specific case of the petitioner that the petitioner was granted valid permission for raising the construction over the land, which was valid for a period of three years from the date the same was issued vide order No. 1200/BS/2010 dated 18.12.2010. Soon after the grant of permission, the petitioner started raising construction but two persons namely Balwant Singh

and Ranbir Singh, who were having no right over the aforesaid land filed a false and frivolous suit for injunction on 07.01.2011 qua the land measuring 2 kanals falling under khasra No. 518 of revenue Village Paloura and vide order dated 07.01.2011, status-quo was granted and pursuant thereto, the temporary injunction application was dismissed by the learned Munsiff, Jammu and feeling aggrieved of the same, the aforesaid order was called in question before the learned 1st Additional District Judge, Jammu by filing an appeal and the said appeal also stood dismissed.

03. However, later on Municipal Corporation, Jammu issued notice to Naresh Abrol, who was co-defendant with the petitioner and since Municipality has issued a demolition order dated 22.01.2011 to the petitioner, the petitioner challenged the same by way of appeal before the learned Special Tribunal, Jammu, which was allowed vide order dated 25.11.2023 by issuing a direction to the petitioner to remove the violation of real set back as well as beyond 82.5% within 30 days besides other directions, the copy of the judgment dated 25.11.2013 has been placed on record along with the instant petition.

04. Due to the pendency of civil suit mentioned (*supra*), the petitioner could not complete the construction within the stipulated period of three years granted by the Municipal Corporation to the petitioner and during the pendency of the aforesaid civil suit, co-defendant Naresh Abrol against whom the litigation ultimately landed before the Division Bench of this Court, had filed an application dated 31.10.2019 seeking a direction to the Municipality for extension of time to do construction according to the site plan, which

application was allowed vide order dated 27.06.2024 by the learned Munsiff directing the Municipal authorities to extend the period of building permission granted to the co-defendant and the suit was later on withdrawn by the plaintiff on 27.06.2024.

05. The specific case of the petitioner is that since the aforesaid suit was pending before the learned Munsiff Jammu and the proceedings of the said suit culminated on 27.06.2024 with the dismissal of the suit, the petitioner immediately preferred a representation before the respondents seeking extension of the same, which till date has not been accorded any consideration and feeling aggrieved of the same, the instant petition has been preferred. Learned counsel for the petitioner submits that he would feel satisfied that in case a direction is issued to the respondents to accord consideration to the representation within some reasonable time.

06. Heard learned counsel for the petitioner at length and perused the record.

07. Issue notice, which is waived by Mr. Om Goswani, Advocate appearing vice Mr. Rajnish Raina, Advocate for respondent nos. 2 to 4. At this stage, learned counsel for the respondents submits that he is not averse to the disposal of the instant writ petition provided a direction is issued to accord consideration to the representation of the petitioner strictly under rules and as per law.

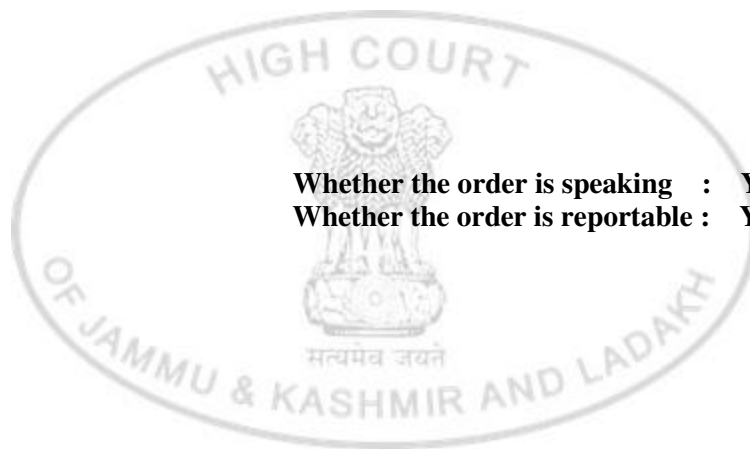
08. With the consent of learned counsel for the parties, the instant petition is taken up for disposal at the very threshold by directing the respondents to accord consideration to the representation dated 28.10.2024 alleged to have been filed by the petitioner strictly under rules and as per law within a period of

six weeks from the date, a copy of this order and writ petition along with annexures are made available to the respondent nos. 2 to 4. The order of consideration which is likely to be passed be served to the petitioner, thereafter.

09. The writ petition is *disposed of* in the manner indicated above along with all connected application(s).

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
24.12.2024
Mihul



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