

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

.....

WP(C) no.2202/2024
CM no.5901/2024

Mohammad Ashraf Baba age 50 years S/o Gh Mohd Baba R/o Drugmulla
District Kupwara

.....Petitioner(s)

Through: Mr Wani Manzoor, Advocate

Versus

1. Union Territory of J&K through Dy. Commissioner, Kupwara
2. Assistant Commissioner, Revenue, Kupwara
3. Chief Agriculture Officer, Kupwara
4. Tehsildar Drugmulla, District Kupwara

.....Respondent(s)

Through: Mr Syed Musaib, Dy.AG

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL JUDGE

ORDER
26.09.2024

1. Petitioner prays to quash order no.TD/OQ/24/212 dated 14th September 2024, issued by respondent no.4 (Tehsildar, Drugmulla) with a further prayer to direct respondents not to cause any harassment or impediment to petitioner and allow him to lay slab of top floor of the building situated at Drugmulla District Kupwara existing on land covered under Khasra no.5800/5290/5159/2626 min measuring 8.5 marlas.
2. Perusal of file reveals that respondent no.1 (District Collector, Kupwara) vide Order dated 7th March 2023 (*Annexure II to writ petition*), has granted permission in favour of petitioner for conversion of aforesaid land from agriculture to non-agriculture purpose, viz. construction of commercial building. The said permission has been

given only after District Level Committee approved conversion of land from agriculture to non-agriculture. In this regard petitioner has placed on record copy of minutes of meeting of District Level Committee held on 9th February 2023 (*Annexure III to writ petition*)

3. Petitioner seeks setting aside of order dated 14th September 2023 (*Annexure I to writ petition*), but perusal whereof reveals that it has not been issued against petitioner but some other two persons.

When this fact was put to learned counsel for petitioner, he produced a copy of notice bearing TD/OQ/24/210 dated 14th September 2024 issued by respondent no.4 (Tehsildar Drugmulla) to contend that it appears that inadvertently order dated 14th September 2024 has been annexed with writ petition instead of notice dated 14th September 2024.

4. In view of request made by counsel for petitioner, copy of notice dated 14th September 2024 is taken on record. Perusal whereof reveals that Tehsildar, Drugmulla (respondent no.4) has issued notice upon three persons, which includes petitioner herein. In terms of said notice, respondent no.4 has asked petitioner to stop the construction till proper permission is granted by higher ups and that in case of non-compliance, action will be initiated under the provisions of law.

5. Since impugned order does not relate to petitioner herein, as such, at this stage, counsel for petitioner has stated that petitioner may be permitted to approach Deputy Commissioner, Kupwara, with the grievances that despite permission granted by competent authority, Tehsildar, Drugmulla, is not allowing him to raise/complete the construction.

6. Writ petition, in view of submission made by counsel for petitioner, is disposed of by providing that petitioner shall approach Deputy Commissioner, Kupwara, with a representation detailing out therein all his grievances as projected by him in instant writ petition within a week's time from today. Deputy Commissioner, Kupwara, on receipt of representation of petitioner, shall consider and decide it having regard to averments made therein within two weeks.

7. Disposed of.

(Vinod Chatterji Koul)
Judge

Srinagar
26.09.2024
Ajaz Ahmad, Secy.

