

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

Case:- WP(C) No. 1164/2025
CM Nos. 2760/2025 & 2908/2025

Mohinder Pal Singh, Age 45 years, S/o Petitioner(s)
Nirajan Singh, R/o Vikas Lane, Talab
Tillo, Ward No. 31, Jammu.

Through: Mr. Sachin Gupta, Advocate
Ms. Arsha Sharma, Advocate.

Vs

1. Jammu Municipal Corporation, ... Respondent(s)
through its Commissioner, Town-Hall,
Jammu.
2. Commissioner, Jammu Municipal
Corporation Town Hall, Jammu.
3. Deputy Commissioner (N), Jammu
Municipal Corporation, Town-Hall,
Jammu.
4. Enforcement Inspector/Khilafwarzi
Officer, Jammu Municipal
Corporation, Town-Hall, Jammu.

Through: Mr. Mayank Gupta, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(19.05.2025)

1. The petitioner-Mohinder Pal Singh S/o Sh. Nirajan Singh, claiming himself to be the person having undertaken the offending construction of the building under sealing carried out in terms of section 253 (1) of the J&K Municipal Corporation Act, 2000, came forward with the institution of the present writ petition assailing the impugned order No. JMC/DC(N)/ENF/606-10 dated 06.05.2025 issued by the Commissioner, Municipal Corporation, Jammu read with an order dated 07.05.2025.

2. The Jammu Municipal Corporation was caught in a state of suspense as to the person actually undertaking the unauthorized construction at the site without getting identified and, therefore, the impugned action and decision came to be addressed against the unknown person so as to enable itself i.e. Jammu Municipal Corporation to order not only demolition of the ongoing construction at the site but also to seal it from getting ahead with the completion of the construction.

3. To begin with, one Mohan Lal son of Sh. Hans Raj was identified to be the person related to the property in question but denying his relation to the premises and this was followed by introduction of one Inderjeet Manhas to be the owner but even he withdrew from the scene.

4. As against these two persons against whom the Jammu Municipal Corporation came to have introduction vis-à-vis, the offending construction, it is the petitioner who emerged on the scene with the present writ petition claiming himself to be in possession of the construction site in reference since 2007 but documented in the year 2020 with the Custodian Department in terms of a purported agreement dated 16.03.2020.

5. In terms of an order dated 15.05.2025, this Court came to direct the petitioner to come forward with placing of the purported titled documents in reference by laying a motion which has come to be laid in terms of an application CM No. 2908/2025 accompanied

with an order No. CG(AP) 211-LJ/2020 dated 11.03.2020 of Farooq Ahmed Shah, KAS, Custodian General, J&K, Jammu purportedly meaning to regularization of possession of 10 marlas plot of land comprised khasra No. 102 min situated at Vikas Lane, Talab Tillo, Jammu and its lease thereof in favour of the petitioner-Mohinder Pal Singh S/o Niranjana Singh for 40 years against the premium of Rs. 22,00,000/- with a rent to be fixed in accordance with rules for the commercial purposes.

6. In addition to this order, there is an agreement form dated 16th of March, without mentioning the year, which is purported to be executed in favour of the petitioner by the Custodian Evacuee Property and notarized in terms whereof lease of 40 years for the commercial purposes of undefined Evacuee Plot situated in Vikas Lane, Talab Tillo, Jammu has been executed.

7. On the strength of these two purported documents, the petitioner claims that he is to be reckoned as person aggrieved against the course of action at the end of the respondent No. 2-Commissioner Jammu Municipal Corporation, Jammu.

8. Be that as it may, this writ petition is disposed of by granting liberty in favour of the petitioner to approach the Commissioner Municipal Corporation, Jammu with the said two documents for the purpose of establishing his relation to the property in reference and his entitlement for seeking the de-sealing of the construction in reference.

9. This Court leaves it to the judgment of the Commissioner, Jammu Municipal Corporation to take a call whether to act upon the said two documents with or without confirmation from the Custodian General J&K, Jammu and reckon the petitioner to be the holder of the site in reference bearing the alleged unauthorized construction at the site and then to proceed in accordance with law as is warranted including whether to continue with sealing or to free the site from sealing.

10. Disposed of.

JAMMU
19.05.2025
Shivalee

