

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

WP (C) No. 1883/2025

Satish Gupta

.....Applicant(s)/Petitioner(s)

Through :- Mr. Sandeep Singh, Advocate

v/s

UT of J & K & Ors.

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
21.07.2025

1. By this petition, petitioner is seeking direction upon the respondents to issue No Objection Certificate for the sale of Plot No. 21-A, measuring 51'X100", Sector No. 1, situated at Housing Colony, Channi Himmat, Jammu.
2. The short controversy involved in the instant petition is that vide a lease deed dated 20.05.1996, one Brij Rani, W/o Ishar Lal, R/o Everest Trading Co. Kathua, J & K allotted a Plot No. 21-A, Sector-1, situated at Housing Colony, Channi Himmat, Jammu, possession whereof was also handed over to her by Respondent No. 3. Subsequent thereto, by virtue of an irrevocable general power of attorney dated 27.09.2002 followed by an agreement to sell dated 14.10.2022, the leasehold rights were transferred to one Dr. Shabnam Chowdhary, D/o Saif Ali, R/o 5-A Pvt., Gandhi Nagar, Jammu.
3. The further case of the petitioner is that Dr. Shabnam Chowdhary, then again transferred her leasehold rights in respect of the plot in question to one Rashmi Gupta, who is also the wife of the petitioner,

vide an irrevocable general power of attorney dated 16.08.2011 followed by agreement to sell dated 16.08.2011.

4. Mr. Sandeep Singh, learned counsel appearing on behalf of the petitioner submits that the plot in question remained in the possession of the wife of the petitioner from the year 2011 till 2022, whereafter, she then transferred her leasehold rights in favour of the petitioner vide an irrevocable general power of attorney dated 30.05.2002 followed by agreement to sell dated 02.06.2022.
5. It is further submitted that the petitioner in order to dispose of the plot in question had applied online to the Housing Board i.e. Respondent No. 2/3 for the issuance of the No Objection Certificate, for the proper conveyance of the lease hold rights over the property in favour of the prospective buyer. However, the needful has not been done so far.
6. Learned counsel for the petitioner lastly submits that the petitioner would feel satisfied if the instant petition is disposed of at this stage by directing respondents, particularly Respondent No. 2 & 3, to consider the claim of the petitioner for issuance of NOC, within some reasonable period of time.
7. Confronting with the same, Mrs. Monika Kohli, learned Sr. AAG appearing on behalf of the respondents submits that she is not averse to the proposition made by learned counsel for the other side.
8. In the aforesaid backdrop, with the consent of learned counsel for the parties, this Court deems it appropriate to dispose of the instant petition at the threshold, without issuing any formal notice to the respondents, by directing the respondents, particularly Respondent No. 2 & 3 to consider the claim of the petitioner for issuance of No

Objection Certificate with respect to the plot in question, strictly in accordance with law, within a period of four weeks from the date, copy of this order is served, provided there is no legal impediment.

9. ***Disposed of, along with connected application(s), if any.***

(Moksha Khajuria Kazmi)
Judge

JAMMU
21.07.2025
Manan

