

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

Case No.:- WP(C) No. 1920/2021
CM No. 7241/2021

M/s Akash Hotel and Farm,
Rakh Sarkar Plai,
Panchayat Halqa Chak Sona Nupa,
Kalibari District Kathua
Through its Proprietor
Sh. Sohan Singh, age 59 years
S/o late Sh. Saran Singh
R/o H. No. 1, Ward No. 2, Tehsil and District Kathua.

.....Petitioner(s)

Through: Mr. K.S. Johal, Sr. Advocate with
Mr. Karman Singh Johal, Advocate.

Vs

1. Union Territory of Jammu and Kashmir through Commissioner Secretary to Govt., Revenue Department, Government of Jammu and Kashmir, Civil Secretariat, Jammu.
2. Deputy Commissioner, Kathua.
3. President/Acting President, Municipal Council, Kathua.
4. Assistant Commissioner, Revenue, Kathua
5. Tehsildar/1st Class Executive Magistrate, Kathua.
6. Naib Tehsildar, Kathua.
7. Senior Superintendent of Police, J&K Kathua.
8. Station House Officer, Police Station, Kathua.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

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

ORDER
14.05.2025

1. This writ petition was instituted on **13.09.2021**.

2. The petitioner-M/s Akash Hotel and Farm is a sole proprietorship concern of Sohan Singh who happened to be one of the petitioners figuring at serial No. 4 in a writ petition-**WP(C) No. 3582/2019** already pending adjudication before this Court.
3. In the instant writ petition, this Court, in its very first order dated **15.09.2021** while admitting the writ petition with issuance of notice to the respondents and putting in place an interim direction in terms of said order dated **15.09.2021**, directed the listing of this case along with said **WP(C) No. 3582/2019**.
4. Writ petition **WP(C) No. 3582/2019** is disposed of and so has to be the fate of the present writ petition of earning its disposal.
5. In fact, the present writ petition ought to have earned its disposal by the mandate of the interim direction given in order dated **15.09.2021** itself wherein this Court came to direct that if any action is intended to be taken at the end of the respondents qua the petitioner on any pretext including the pretext of any encroachment of the site related to the building premises of the petitioner then the same to be done by issuance of prior notice to the petitioner and affording an opportunity of hearing to it whereupon if any adverse order to come up then the petitioner reserved

with liberty to approach for the next legal course of action as a remedy.

6. Since this Court has given disposal to writ petition-**WP(C) No. 3582/2019**, this writ petition is accordingly disposed of making order dated **15.09.2021** absolute with a direction to the respondents that in case any action is intended to be taken with respect to the premises/land related to the location of the petitioner's hotel structure then the said course of action to be taken only by prior issuance of notice to the petitioner with an opportunity of being heard by first inviting his response to the notice and then passing the order based on reasons.
7. Disposed of accordingly.
8. Connected application(s) also stands disposed of accordingly.

(RAHUL BHARTI)
JUDGE

JAMMU
14.05.2025
Naresh/Secy.