

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

Pronounced on 12.12.2025

Uploaded on: 16.12.2025

CM no. 5906/2023

RP No. 106/2023 in

OWP no. 309/2016

Vimal Kumar Dubey

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

Through :- Mr G. S. Thakur, Advocate

v.

Administrator Municipal Committee Katra
and others

.....Respondent(s)

Through :- Mr Suneel Malhotra, GA

CORAM:

**HON'BLE MRS JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MRS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE**

**ORDER
12.12.2025**

CM no. 5906/2023

01/- The applicant has filed the instant application seeking condonation of delay of 483 days, which has crept in filing the review petition. The said application for condonation of delay has been resisted by the other side by filing objections to the same.

02/- In order to appreciate the issue raised in the review petition, the condonation of delay application, on the grounds taken therein, is allowed and the delay occasioned in filing the review petition is condoned.

03/- CM no. 5906/2023 is disposed of, accordingly.

RP No. 106/2023

04/- Review petition is taken on board for disposal with the consensus of the learned counsel for the parties.

05/- By this review petition, the applicant is seeking review of the order dated 25.04.2022, whereby, this court while setting aside the judgment of the Tribunal dated 23.09.2015, remanded the matter to it for fresh consideration. The review is sought *inter alia* on the grounds that the order has been passed without hearing the applicant/ review petitioner; the facts had not been brought to the notice of the court in its right perspective resulting in passing of the order under review; the notice that had been challenged by the applicant before the Tribunal was issued in respect of a construction that was 25 years old at the time of issuance of such notice and that the applicant having already paid the compounding fee as imposed by the Tribunal in terms of its judgment dated 23.09.2015, there was no occasion for the non-applicants/ writ petitioners to have challenged the judgment, that had already been complied with, in the writ petition filed subsequent to depositing of the compounding fee.

06/- We have heard learned counsel for the parties and considered the submissions made.

07/- While the order was being dictated in the instant petition, it was felt necessary to confirm, at the first instance, the status of the proceedings, if any, initiated by the Tribunal in the matter pursuant to its remand in terms of the order under review, as in all probability, the Tribunal was expected to have proceeded ahead which is essential to be noticed before any order in this petition is passed inasmuch as the order under review has remained in operation for 15 months till the instant petition came to be filed and no

restraint order in respect thereof has been passed till date. Mr G. S. Thakur, learned counsel for the petitioner, made a statement that nothing substantial has been done by the Tribunal in the matter. His statement is taken on record.

08/- After having heard learned counsel for the parties, and on perusing the review petition as also the order under review, we are of the opinion that the applicant has succeeded in carving out a case for reviewing the order dated 25.04.2022 passed in a writ petition, OWP no. 309 of 2016 titled Municipal Committee Katra and another v. Vimal Kumar Dubey and another, inasmuch as the order has been passed in absence of the review petitioner and the stand taken by him has not, as such, been effectively brought into the notice of the court at the time of passing of the order under review.

09/- Accordingly, in acceptance of the review petition, the order dated 25.04.2022 is recalled. The writ petition, OWP no. 309/2016, is restored to its original number which shall be listed for consideration before the Bench having roster on 03.02.2026.

10/- RP No. 106/2023 is disposed of on the above lines.

11/- This order shall form part of order dated 25.4.2022.

(Moksha Khajuria Kazmi)
Judge

(Sindhu Sharma)
Judge

JAMMU
12.12.2025

Amjad lone, Joint Registrar/Secy.

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