

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

WP(C) No. 2588/2025

Residents of Poonch City, Tehsil
Haveli, District Poonch, Th. Amar
Nath Sharma

.....Appellants

Through: Mr. Ashish Sharma, Advocate

Vs

UT of J&K and ors.

..... Respondents

Through: Mrs. Nisha Kangotra, Assisting counsel
vice
Mr. S.S Nanda, Sr. AAG
Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R-2 &
4.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER
22.09.2025**

1. The petitioner has invoked writ jurisdiction of this Court for challenging order dated 13.08.2025 issued by respondent No. 2 (District Collector, Poonch) whereby, immovable property namely Sheesh Mahal, located in Ward No. 17 of Poonch, has been attached for the purpose of putting the same to auction.
2. Heard learned counsel for the petitioner and perused the record of case.
3. It appears that National Green Tribunal had, vide its order dated 13.04.2023, directed Jammu and Kashmir Pollution Control Committee (hereinafter referred to as "JKPCC") to furnish a report with regard to dumping of solid waste and bio-medical waste near Sher-e-Kashmir Bridge, Poonch. On the basis of the

report submitted by JKPCC, the National Green Tribunal, vide its order dated 22.05.2024 directed imposition of Rs. 162.9 lacs as environmental compensation upon Municipal Corporation, Poonch for violation of Municipal Solid Waste Rules, 2016. A further direction was issued to Chief Executive Officer, Municipal Council Poonch to deposit the said environmental compensation in the Environmental Compensation Fund within 45 days. It appears that the Municipal Council, Poonch (respondent No. 5) failed to deposit the aforesaid amount within the stipulated period as a result whereof, the environmental compensation was directed to be recovered as arrears of land revenue.

4. It seems that proceedings under the Land Revenue Act for recovery of environmental compensation were initiated against Chief Executive Officer, Municipal Council, Poonch and writ of demand dated 08.04.2025 was issued against Chief Executive Officer, Municipal Council, Poonch by Assistant Collector 1st Class, Haveli. In spite of this, Municipal Council, Poonch failed to deposit the amount of compensation and it deposited only an amount of Rs. 25 lacs leaving balance of Rs. 137.90 lacs. Accordingly, the case for attachment of property of Municipal Council Poonch was submitted. Pursuant thereto, respondent-District Collector, Poonch has issued the impugned order whereby the property belonging to Municipal Council, Poonch

namely Sheesh Mahal Community Hall which is located in Ward No. 17, Poonch has been attached for putting it to auction.

5. The petitioner, who claims to be representing the residents of Poonch city has laid challenge to the aforesaid auction of District Collector, Poonch on the grounds that the community hall which is proposed to be put to auction, is required for organizing marriage and other functions by the general public and in its absence, the general public is going to suffer. It has been submitted that Municipal Council, Poonch has other properties at Poonch which can be put to auction but respondent No. 2, without affording an opportunity of hearing to the people of Poonch has issued the impugned order.

6. So far as the impugned notice of attachment is concerned, the same has been issued by respondent No 2 against Municipal Council, Poonch and not against the petitioner or any other resident of Poonch city. If the auction proceedings are put to a halt by this Court in these proceedings at the instance of the petitioner, the same would amount to defeating the order of the National Green Tribunal.

7. The contention of the petitioner that community hall which is said to be put to auction cannot be used for any purpose other than the purpose for which it has been established is misconceived because it is not a case where, the respondents are putting the community hall to any other use but it is a case

where the respondent- Municipal Council, Poonch after being unable to pay the environmental compensation in accordance with the directions of the National Green Tribunal has been compelled to put its assets to auction with a view to comply with the directions of the Tribunal.

8. For the foregoing reasons, it is clear that none of the legal or statutory right of the petitioner has been infringed by the impugned order passed by respondent No. 2. Therefore, the present writ petition on behalf of the petitioner is not maintainable. If at all, the petitioner desires that instead of the community hall, any other property of the Municipal Council, Poonch should be put to auction, it is open to him to approach District Collector, Poonch and furnish the particulars of any such assets of Municipal Council, Poonch to the Collector for putting the same to auction in order to comply with the directions of National Green Tribunal. In case, the petitioner approaches District Collector, Poonch in this regard, the prayer of the petitioner shall be considered by the said authority in accordance with law.

9. Ordered, accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
22.09.2025
Tarun/PS