

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

WP(C) No. 2878/2025
CM No. 6629/2025

Sandeep Sharma

.....Petitioner

Through: Mr. Narinder Kumar Attri, Advocate

Vs

Jammu Municipal Corporation & Ors.

.....Respondents

Through: Mr. Mayank Gupta, Advocate

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

**ORDER
(15.10.2025)**

1. The petitioner, through the medium of the present petition, has challenged order dated 02.06.2025 passed by the J&K Special Tribunal, Jammu in a revision petition filed by the petitioner against notice No. JMC/DC(S)/ENF/214-17 dated 22.08.2024 issued against the petitioner under Sections 253 and 324 of the Municipal Corporation Act, 2000.
2. Issue notice to the respondents. Mr. Mayank Gupta, Advocate accepts notice on behalf of the respondents.
3. Heard and considered.

4. The grievance of the petitioner is that the learned Tribunal while passing the impugned order has issued certain directions which amount to asking the petitioner to procure 'NOC' from Jammu Municipal Corporation for operating polyclinic at 86 Gandhi Nagar, Jammu which according to the petitioner is not the requirement of law.
5. If we have a look at the order of the Tribunal, it has issued the following directions :-

“(a) Take necessary steps for immediate compliance of the order dated 04.09.2024 passed by the Hon'ble High Court in WP(C) No. 2140/2024 in its letter and spirit, without being influenced or prejudiced by the findings returned in this order;

(b) Discharge the statutory obligations cast upon him under Section 326 of the Jammu and Kashmir Municipal Corporation Act 2000 and initiate the process under sub- section (1), within one month of issuance of this order; and

(c) Issue declaration under sub-sections (3) and (4) of Section 326 of the Jammu and Kashmir Municipal Corporation Act, 2000 to prevent use of premises causing nuisance in particular area including the residential area of Gandhinagar, Jammu, for the purposes referred in section 324 of the Act, within one month of receiving objections to public notice issued under sub-section (1).

The Municipal Commissioner shall ensure that the exercise under Section 326 of the Act is undertaken strictly in accordance with law under his personal supervision, also taking into account the “subsequent development” in terms of relevant provisions of the UBBL-2021 in general and Clause (a) of Bye-law No. 5.1.4 of these regulations in particular, concerning “lawful use of land or

building premises” not conforming to the use provisions and existing before coming into force of these regulations, provided such non-conforming use is not extended or enlarged. It is made clear that this exercise shall also not come in the way of the respondents while deciding the application dated 23.08.2024 submitted by petitioner for grant of NOC or license, as the case may be, to run the proposed polyclinic.”

6. From a perusal of the aforesaid order it is clear that the learned Tribunal has not passed any such direction whereby the petitioner has been asked to get ‘NOC’ or license from Jammu Municipal Corporation for operating the polyclinic. What the learned Tribunal has directed is to take necessary steps for compliance of order dated 04.09.2024 passed by this Court in WP(C) No. 2140/2024 in its letter and spirit. Another direction issued by the Tribunal is to discharge the statutory obligations cast under Section 326 of the Jammu and Kashmir Municipal Corporation Act, 2000 and initiate the process under sub-section (1) of the said section.
7. The petitioner has placed on record a copy of order dated 04.09.2024 passed by this Court in WP(C) No. 2140/2024 vide which the writ petition filed by the petitioner has been disposed of by extending the following directions :-

“19. With the consent of learned counsel for the parties, the instant petition is disposed of at this stage by directing respondent No. 2 to 5 to accord due consideration to the application dated 23.08.2024, which has been preferred by the petitioner for seeking permission for running the said polyclinic in the residential area within two weeks from today, strictly in conformity with the rules and the Master Plan and till the decision is taken by the appropriate authorities, the respondents are directed to de-seal the building and impugned order dated 24.08.2024 shall not be given effect to, however, this order shall be subject to the decision on the application seeking permission, which is likely to be taken by the said respondents.

20. Before parting, this Court would like to emphasize that the petitioner has undertaken not to start the polyclinic in absence of the requisite permission from the appropriate authority, or till the decision is taken by the appropriate authority as directed by this Court. In the aforesaid backdrop of said undertaking, which has been given by the petitioner, the aforesaid direction has been passed.

21. It is made clear that in case, if the decision of the appropriate authority goes against the petitioner, the petitioner will be at liberty to challenge the same by way of appropriate proceedings.”

8. From the afore-quoted order, it is clear that this Court has noted that the petitioner has undertaken not to start the polyclinic in absence of the requisite permission from the appropriate authority, or till the decision is taken by the appropriate authority as directed by the Court.
9. The learned Tribunal has only reiterated the aforesaid direction and has not passed any further direction on its part. Therefore, there is no occasion for the petitioner to

challenge the order passed by the learned Tribunal. If at all the petitioner feels that there is no need for permission of the Municipal Corporation for operating a polyclinic then he has to take appropriate legal recourse in respect of order dated 04.09.2024 passed by this Court in WP(C) No. 2140/2024 in which it has been recorded that petitioner has undertaken not to start the polyclinic in absence of requisite permission from the appropriate authority. The petitioner is, therefore, has no cause to challenge the impugned order passed by the Tribunal.

10. For the foregoing reasons, I do not find any merit in the writ petition. The same is **dismissed**, accordingly.

JAMMU
15.10.2025
SUNIL


सत्यमेव जयते
(SANJAY DHAR)
JUDGE

Whether the order is speaking ?	:	Yes
Whether the order is reportable ?	:	No