

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

Case: WP(C) No. 2917/2025

Dr. Sunila Gupta
W/o Sandeep Lerra
R/o H.No. 4, Lane No. 2, Green Enclave,
Near Education Board Rehari Colony,
Jammu.

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

Through :- Mr. Sachin Gupta, Advocate

Vs

01. Union Territory of Jammu and
Kashmir through
Commissioner/Secretary Housing and
Urban Development Department Civil
Secretariat, Jammu.

.....Respondent(s)

02. Jammu Municipal Corporation
Through Commissioner
Town Hall, Jammu.

03. Commissioner
Jammu Municipal Corporation
Town Hall, Jammu.

04. Deputy Commissioner(S)
Jammu Municipal Corporation
Town Hall, Jammu.

Through :- Mr. Ravinder Gupta, AAG vice
Mr. S.S. Nanda, Sr. AAG for R-1
Mr. Anchit Sharma, Advocate for R- 2 to 4

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
17.10.2025

01. While the matter was being argued, learned counsel for the petitioner has drawn the attention of this Court to a communication dated 14.08.2025 issued by the Assistant Legal Remembrancer, Housing and Urban Development Department, whereby the legal notice issued by the petitioner's counsel was

forwarded to the Commissioner, Municipal Corporation, Jammu, apprising him of the delay in approving the case of the petitioner, namely Dr. Sunila Gupta's medical clinic, which falls in R2 zone under UBBL-2021 rules.

02. While recommending the case of the petitioner, the Administrative Department (Housing and Urban Development Department), requested the Commissioner, Municipal Corporation, Jammu to consider clinics in R2 zones without insisting on "No Objection Certificate" from the Managing Director, Jammu and Kashmir Housing Board, unless the construction is involved under UBBL-2021 rules.

03. Learned counsel for the petitioner further submits that the petitioner at present is running the medical clinic in consonance with the prevailing civic laws in vogue and the Jammu Municipal Corporation is also accepting the user charges for the same.

04. It is the specific case of the petitioner that once, the user charges are being accepted by the official respondents, they are estopped under law from raising any objection with regard to the running of the medical clinic of the petitioner and the respondents without any rhyme or reason are harassing the petitioner. In addition, learned counsel for the petitioner further submits that running of a medical clinic is duly recognized to be a permissible activity in a residential area and no permission is required for the same, as per the Master Plan 2032 as well as Jammu and Kashmir Unified Building Bye-laws 2021.

05. Lastly, learned counsel for the petitioner submits that in light of the provisions and regulations stipulated under Jammu Master Plan 2021, read with SRO-64, and the presently applicable Jammu Master Plan 2032, along with a combined reading of the Jammu and Kashmir Unified Building Bye-laws 2021, the activities carried out by the petitioner as a medical clinic does not amount to

change of land use from residential to commercial, and are duly permitted under law, which aspect of the matter has been admitted by the Administrative Department as well. Thus, the respondents are estopped under law to raise any objection at this stage.

06. Learned counsel for the petitioner further submits that a duty is cast upon the respondent-Commissioner, Municipal Corporation, Jammu to act in furtherance of the recommendation of the Administrative Department. However, despite such recommendation, the Commissioner has turned a deaf ear and has not taken a call on the said recommendation with the result that the petitioner continue to suffer, as the respondents are harassing the petitioner without any justifiable cause.

07. After arguing for a while, learned counsel for the petitioner fairly submits that he would feel satisfied in case, a direction is issued to Commissioner Municipal Corporation, Jammu to decide the case of the petitioner within some reasonable period in the light of recommendation of the administrative department to which learned counsels for the respondents submits that they are not averse to the aforesaid proposition, provided the same is directed to be accorded consideration under rules and as per law.

08. With the consent of learned counsel for the parties, no fruitful purpose will be served to keep this petition alive and the same is, accordingly, disposed of at the very threshold by directing respondent No. 3 to take a decision in light of the recommendation of the Administrative Department dated 14.08.2025 mentioned supra within a period of four weeks from the date, a copy of this order as well as copy of the instant writ petition along with the annexure(s) are made available to the said respondent, strictly under rules and as per law and till the decision is taken by said respondent, the petitioner shall not be harassed and

status-quo as it exists today shall be maintained. However, continuance of the same shall be governed by the outcome of the said decision, which is likely to be taken by the Commissioner, Jammu Municipal Corporation in light of the recommendation mentioned (*supra*).

09. The instant writ petition, is accordingly, '*disposed of*' along with connected application(s) in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
17.10.2025
Mihul

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

