

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
WP (C) No. 916/2025

Sara Bano

...Appellant/Petitioner(s)

Through: Mr. Syed Sajad Geelani, Adv.

Vs.

UT of J&K and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

28.04.2025

Learned counsel appearing on behalf of the petitioner has drawn the attention of this court to the order passed by the Division Bench of this Court in PIL No. 484/2010 dated 27.12.2022 wherein the following order was passed;

"In view of the above, this PIL is closed with a direction to the respondents to ensure that the construction in the Pahalgam area is done strictly in accordance with the new Master Plan and steps be taken by the respondents to remove the illegal encroachments, if any, by following due process of law. The petitioner shall also be at liberty to point out individual violations and seek appropriate remedial measures as may be permissible under law. So far as the renewal of the expired and subsisting leases are concerned, we are told that new Rules under the Land Grants Act, 1960 have been promulgated and those Rules shall govern all those matters/structures which were also raised during the course of this PIL.

In view of the closure of the proceedings in the PIL, the contempt petition as well as other connected CMs also stand disposed of".

Learned counsel for the petitioner further submits that he has already filed a fresh application before the Chairman, BOCA, Pahalgam Development Authority Area, Pahalgam-respondent No. 3 on 18.07.2024 along with the site plan for seeking appropriate permission for raising construction strictly in conformity with the order passed by the Division Bench of this court

mentioned supra. The learned counsel for the petitioner has further drawn attention of this court to the various NOCs issued by the Departments and inspite of the issuance of the NOCs, the decision in this regard has not been taken by the respondent No. 3 which prompted the petitioner to file the instant petition.

After arguing for a while, the learned counsel for the petitioner submits that he would feel satisfied that in case the instant petition is treated as representation and direction be issued to the respondent No. 3 to accord consideration to the same within some reasonable period.

Heard learned counsel for the petitioner at length and perused the record.

Issue notice.

Notice waived by Mr. Bikramdeep Singh, learned Dy. AG, who is not averse to the disposal of the writ petition at this stage, provided a direction be issued to the accord consideration to the said respondent strictly under rules and as per law.

With the consent of the learned counsel for the parties, the instant petition is taken up for disposal at the threshold and is accordingly disposed of by directing the respondent No. 3 to treat the instant petition as representation and to accord consideration to the same in the light of the averments pleaded in the writ petition strictly under law and as per rules within a period of six weeks from the date copy of this order along with writ petition and Annexures is made available to the said respondent. It is further made clear that while taking decision in this regard, the said respondent will give due weightage to the various NOCs procured by the petitioner from the various departments.

Let the aforesaid decision be taken within the period mentioned above and the decision which is likely to be taken be forwarded to the petitioner through registered post.

Accordingly, the writ petition is ***disposed of*** in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
28.04.2025
Sakeena