

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1306/2025

Suhail Ahmad Pampori

...Petitioner(s)

Through: Mr. Sheikh Manzoor, Adv.

Vs.

Commissioner, Srinagar Municipal
Corporation and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER
04.06.2025

1. The instant petition has been preferred by the petitioner against the show cause notice dated 27th May, 2025, issued by the Commissioner, Srinagar Municipal Corporation, Srinagar, against him for sealing of structure/building under J&K Municipal Corporation Act, 2000 & J&K Unified Building Byelaws, 2021.
2. From a bare perusal of the show cause notice impugned in the instant petition, it transpires that action has been taken against the illegal construction raised by the petitioner under the provisions of J&K Municipal Corporation Act 2000 and show cause notice was followed by demolition notice vide No. SMC/Enf/W/1750-58 dated 16th July, 2024. The demolition notice mentioned supra has been called in question by the petitioner before the learned J&K Special Tribunal, Srinagar, [‘the Tribunal] and the Tribunal, after

hearing the petitioner, has been pleased to pass an Order dated 25th July, 2024. The operative part of which is reproduced as under:-

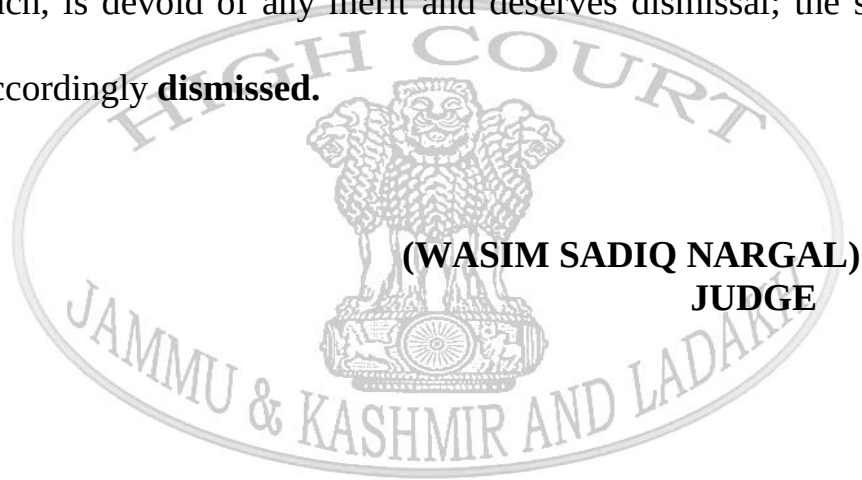
“...Meanwhile, parties are directed to maintain status quo on spot.”

3. It has come to fore that pursuant to the passing of the status quo order, it has been reported by the Ward Officer, Ward No. 23, SMC, vide No SMC/W-23/63065 dated 1st May, 2025, that the petitioner has re-started the construction work of 1st floor over the existing structure in violation of the court order.
4. Thus, in order to prevent any further unauthorized development on the site and to stop the violation of the order passed by the learned Tribunal, a show cause notice was issued to the effect that why the structure be not sealed till the case is decided by the learned Tribunal and in the aforesaid backdrop, the petitioner has been directed to show cause as to why the structure/building in question may not be sealed in order to prevent violation of order passed by the learned Tribunal. The petitioner has been directed to file response before the office of the Competent Authority within a period of seven days from the date of issuance of the said show cause notice, failing which, it shall be presumed that the petitioner has nothing to say in the matter and the action as warranted under law shall be taken against him.
5. The petitioner, without waiting for the outcome of the aforesaid show cause notice and replying to the same, has rushed to this Court and challenged the aforesaid show cause notice by filing the instant writ petition, which is premature and even from the perusal of the show cause notice, it appears that the petitioner has violated

the status quo order passed by the learned Tribunal, as such, the Commissioner, SMC, was constrained to issue the aforesaid notice only in order to prevent any further unauthorized development on the site.

6. However, at this stage, Mr Sheih Manzoor, learned counsel appearing for the petitioner submits that he has already filed a response to the show cause notice, but he is not aware on which date the same has been filed.
7. Heard learned counsel for the petitioner at length and perused the material on record.
8. Since the Tribunal is already seized of the matter and has granted status quo order and the show cause notice issued against the petitioner was duly replied by him, as per his counsel and, thus, it would not be appropriate for this Court to interfere at this stage, when the matter is already pending before the learned Tribunal and pursuant thereto, the petitioner has also filed an undertaking. In spite of giving undertaking, the order is being flouted in violation of the said undertaking.
9. Without commenting upon the merits of the case at this stage, this Court deems it proper to direct the concerned Authority i.e., Commissioner, SMC, Srinagar, to accord due consideration to the reply filed in response to the show cause notice and take a decision strictly under rules and as per law, expeditiously.
10. The decision, which is likely to be taken by the appropriate Authority be brought to the notice of the learned Tribunal and the learned Tribunal, thereafter shall proceed in the matter in accordance with law. It is made clear that no opinion on the merits

of the case has been expressed by this Court while deciding the instant petition, which is not maintainable being premature and deserves dismissal in the light of the fact that the matter is pending adjudication before the learned Tribunal and the petitioner has given a false undertaking. The petitioner has preferred the instant petition by way of parallel proceedings circumventing the proper remedy with a view to get a favourable order. The writ petition, as such, is devoid of any merit and deserves dismissal; the same is, accordingly **dismissed**.



SRINAGAR:
04.06.2025
"Shamim Dar"