

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1339/2025 CM(3551/2025)

ABDUL AZIZ BHAT

...Petitioner(s)/appellant(s)

Through: Mr. Sheikh Mushtaq, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA for R 1 to 4
Mr. Waqar ul Haq, Advocate for R 5

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

25-08-2025

Petitioner (Abdul Aziz Bhat) was served with a show cause notice dated January 7, 2019 under Section 7(1) of the Jammu and Kashmir Control of Building Operations Act, 1988. For, he failed to submit response, an order under Section 7(3) of the Act was passed requiring the petitioner to demolish/pull down the alleged illegal structure.

Aggrieved by the said order, the petitioner filed an appeal before the Jammu & Kashmir Special Tribunal, Srinagar, which was eventually disposed of on January 20, 2019:

“Both the appellant and the caveator are directed to approach Lakes and Waterways Development Authority, Srinagar and put forth their contentions before them by way of representation, who shall re-examine the issue and take appropriate action in the matter strictly in accordance with the law/regulations governing the subject in a time bound manner. Interim directions of this Tribunal dated 09.01.2019 shall stand vacated, the appeal is accordingly disposed of and shall go to records after its due completion.”

As a result, the authorities upon consideration of the matter vide impugned order dated April 23, 2025, have rejected the representation of the petitioner, for he failed to furnish the necessary documents in support of his claim i.e., **site/key plan, revenue extracts, and architectural designs** etc.

Learned counsel for the petitioner, during the course of hearing, has referred to various documents as also the communication dated April 19, 2025, vide which, it was clarified to the authorities that since all the necessary documents as regards the alleged violation i.e., partial re-construction/renovation is already available with the authorities, his case be, accordingly, decided.

However, during the course of hearing, learned counsel for the respondents submits that, in the event, the petitioner still furnishes all the necessary documents, as indicated earlier, his claim shall be re-examined by the authorities and the necessary orders in accordance with law shall be passed. Accordingly, he, as always, fairly submits that without prejudice to the rights and interests of the respondent authorities, the order dated April 23, 2025 be deemed to have been recalled.

To this, learned counsel for the petitioner submits that he shall submit the requisite/necessary documents with the competent authority within a week from today and, therefore, the petition be disposed of in terms of the statement made by learned counsel for the respondents.

In the wake of the above and in terms of the statement made by learned counsel for the parties, the petition is disposed of.

We are sanguine that in the event the petitioner moves the respondent authorities and furnishes all the necessary documents, as referred to above, the authorities will examine the matter in the right earnest and pass necessary orders in accordance with law.

Needless to assert that this order shall not construe expression of any opinion on the merits of the case of either party.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
25-08-2025