

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

...
CM No.502/2025 in
WP(C) No.1883/2019

Muzaffar Ahmad Bazaz

.....Petitioner(s)

Through:
Mr.F. A. Wani, Sr. Advocate

Versus

State of J&K and Others.

.....Respondent(s)

Through:
Mr. Bikramdeep Singh, Dy.AG

CORAM:

HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE

ORDER
11.02.2025

CM No. 502/2025 in
WP(C) No.1883/2019

1. Through the medium of the main writ petition bearing WP(C) No. 1883/2019 filed under the provisions of Article 227 of the Constitution of India, the petitioner has thrown challenge to the order dated 13.05.2019 passed by the learned Jammu and Kashmir Special Tribunal, Srinagar (hereinafter referred to as Tribunal for short) in file No. JKSTS/5244/2018 dated 25.06.2018 whereby his statutory appeal against the demolition notice came to be dismissed with the direction to the respondents i.e. Municipal Corporation, Srinagar to go ahead with the notice of demolition dated 18.06.2018.

2. The petitioner is alleged to have raised a four storied building at Ahmad Nagar, Soura, Srinagar without any building permission.
3. It is submitted by the learned counsel for the petitioner that he has already made representation before the respondent-corporation with the request for regularization of the subject structure in accordance with the provisions of the Municipal Corporation Act of and the latest Unified Building Bylaws of 2021, as according to the learned counsel, the respondents Corporation has slept over his representation which has delayed the right of the petitioner to seek the remedy guaranteed under law.
4. Through the medium of the CM No. 502/2025, the petitioner seeks issuance of direction upon the respondents-Corporation for expeditious consideration of his representation regarding the regularization of the subject structure in accordance with the law. It is the stand of the learned counsel for the petitioner that the petitioner had already obtained all the requisite NOCs but the demolition notice dated 18.06.2018, was issued in a hot haste manner without affording him an opportunity of being heard.
5. It is submitted by the learned counsel for the petitioner that the main matter can be disposed of even at this stage by passing of appropriate direction. Accordingly, the respondent-Corporation is directed to consider his representation regarding regularization of the subject structure in accordance with the provisions of law governing the field.
6. This Court in the facts and circumstances of the case is of the opinion that as rightly contended by the learned counsel for the petitioner, the

matter can be disposed of at this stage by passing of appropriate direction. Accordingly, the respondents-Corporation is directed to consider the representation of the petitioner for regularization of the subject structure strictly in accordance with the provisions of the Municipal Corporation Act and the latest Unified Building Bylaws of 2021 in an expeditious manner preferably within a period of eight weeks.

7. Pending disposal of the representation and subject to the outcome of the same, status quo is directed to be maintained in respect to the subject structure.

8. *Disposed of.*

(MOHAMMAD YOUSUF WANI)
JUDGE

Srinagar
11.02.2025
"Shaista-PS"

