

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

WP (C) No. 334/2026

CM No. 784/2026

Krishna Piyaree,
W/O Retd. Late Justice G.L. Raina,
R/O 623/4, Channi Himmat, Jammu.

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

Through: Mr. K. Nirmal Kotwal, Sr. Advocate with
Mr. Pawan Dev Singh, Advocate.

vs

01. U.T of J&K Through
Commissioner/Secretary.
Housing & Urban Development
Department Civil Secretariat Jammu.

..... Respondent(s)

02. Jammu & Kashmir Housing Board
Through its Managing Director,
Green Belt Park, Gandhi Nagar,
Jammu.

Through: Ms. Nazia Fazal, AC vice
Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(16.02.2026)

01. Petitioner, claiming to have been inherited the Plot Nos. 612/4 & 613/4, situated at Sector-4, Channi Himmat, Housing Colony, Jammu from her husband pleads that Freehold rights have not been given to her as she has applied for, on the plea that the construction has been raised in both the plots by amalgamation instead of separate construction and prayed that the respondents be directed to forthwith process and allow the petitioner's applications for transfer of leasehold rights in respect of the aforesaid plots by treating the alleged

violation, if any, as compoundable and by levying appropriate penalty in accordance with the lease deed and applicable bye-laws, within a fixed and reasonable time frame.

02. Learned senior counsel appearing for the petitioner submits that the construction has been made over two plots by amalgamation, as was done in the cases of Plot Nos. 220/5, 265/5, 438/5, 572/4 have joint construction by amalgamating the plots, therefore, she was entitled to obtain Freehold rights.
03. Learned senior counsel further submits that the petitioner even volunteers to separate the plots, by raising the wall to divide the plot under the supervision of the officers of the Housing Board and that the petitioners can be subjected to penalty, after noticing violation, if any, in this behalf.
04. Learned senior counsel for the petitioner submits that the petitioner shall be satisfied, in case, the petition is disposed of, at this stage with a direction to the respondents to consider the plea raised by the petitioner in this petition.
05. Ms. Nazia Fazal, Assisting counsel to Mrs. Monika Kohli, learned Sr. AAG, who is present before this Court, submits that the respondents are not averse to the plea raised by the learned senior counsel for the petitioner for consideration of the matter, in accordance with law.
06. In view of the submissions made by the learned senior counsel for the petitioner and the relief sought, without any expression on the merits of the case, the petition is disposed of, at this motion stage, with a direction to the respondents to consider petitioner's plea for accord of

permission, after imposing the penalty, if any, under bye-laws and regulations as applicable in the matter and also to consider the grant of Freehold rights, for transfer of lease. The respondents shall undertake the exercise expeditiously, preferably within a period of three months from the date when certified copy of this order along with paper-book of the writ petition is served upon them.

07. Petition is thus, ***disposed of***, along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
16.02.2026
Renu

