

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

Case: - WP(C) No. 3741/2025

Jyoti Kiran and another

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

Through: Mr. Gagan Basotra, Sr. Advocate with
Ms. Purvehi Khajuria, Advocate

vs

Jammu Municipal Corporation and Ors.

..... Respondent(s)

Through: Mr. Mayank Gupta, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
22.07.2026

1. The petitioners are aggrieved of rejection of the application for grant of No Objection Certificate for commercial establishment vide application No. JK-COR-NOC/2025/00450 dated 17.09.2025, and as such, have filed the present petition for assailing the rejection of the said application and for issuance of directions to the respondents to consider and grant NOC/Licence to the petitioners in accordance with law with a further direction to restrain the respondents from taking any coercive action, including sealing of the premises, against the petitioners till the pendency of the writ petitions bearing WP(C) Nos. 1872/2025 and 2439/2025.

2. Mr. Gagan Basotra, learned senior counsel appearing for the petitioners submits that in the earlier writ petition bearing WP(C) No. 1872/2025 vide order dated 18.07.2025, the operation of order dated 27.06.2025 issued by respondent No. 3/Commissioner, Municipal Corporation, Jammu regarding the sealing of the premises of the petitioners was stayed and the Jammu Municipal Corporation was

directed to de-seal the premises and further the petitioner was directed not to undertake any additional construction activity with respect to the premises in question.

3. Learned counsel for the petitioners further submits that vide order dated 03.09.2025 passed in WP(C) No. 2439/2025, communication dated 25.08.2025 to the extent of containing the stipulation regarding the prohibition of undertaking any commercial activity in the premises in question was kept in abeyance. It is submitted that thereafter, the application of the petitioner dated 17.09.2025 for grant of license for operating of the restaurants/coffee house/eat house was rejected on the ground that enforcement case is pending. It is submitted that once the Court has come to rescue of the petitioners, it was not open to the respondent-Municipal Corporation to reject the application of the petitioners, particularly when the stipulation regarding prohibition upon undertaking any commercial activity in terms of communication dated 25.08.2025 was stayed. It is submitted that the sanction for raising the construction was granted to the petitioners for commercial purpose.

4. Notice to the respondents. Mr. Mayank Gupta, learned counsel waives notice on behalf of the respondents. He submits that the respondents shall consider the application of the petitioners afresh without being influenced by the enforcement cases pending against the petitioners.

5. In view of the above, no fruitful purpose shall be served by retaining the present petition on board, as such, the same is disposed of by directing the respondents to decide the application of the petitioners afresh and while doing so, they shall not be influenced by the pendency of the cases before this Court and

further take note of the orders passed by this Court referred to above. The aforesaid exercise shall be completed by the respondents within a period of 30 days from the date copy of this order is made available in the office of the respondents by the petitioners and thereafter, the decision so taken, shall be conveyed to the petitioners.

6. *Disposed of.*

**(RAJNESH OSWAL)
JUDGE**

Jammu
22.07.2026
AKHILESH