

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

WP(C) No. 1001/2026

Naseema Begum and Anr.

...Petitioner(s)

Through: *Mr. Aazim Pandit, Adv.*

Vs.

UT of JK and Ors.

...Respondent(s)

Through: *Mr. Bikramdeep Singh, Dy.AG.*

CORAM:

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

ORDER

12.05.2026

01. The record reveals that this Court, vide Order dated 6th May, 2026, directed Mr. Bikramdeep Singh, learned Dy.AG, to have fresh instructions in the matter and he was also granted time to provide a copy of consideration order, if any passed, to the petitioners.

02. Today, when the instant matter was taken up, Mr. Bikramdeep Singh, learned Dy.AG, appearing for the respondents, has provided a copy of the communication dated 28th March, 2026 issued by the Assistant Engineer, Srinagar Municipal Corporation addressed to the Joint Commissioner Planning, Srinagar Municipal Corporation, a perusal whereof reveals that the petitioners were granted building permission for construction of a Ground Plus 5

Storeyed commercial building with basement at Estate Baghat Barzulla Site, Majeed Bhagh, Sanat Nagar, Srinagar, falling under Survey Nos. 1565, 1137, 1070, 941 and 426 (Min) in terms of Building Permission order No. 442 of 2019 dated 31st October, 2019 with an approved plinth area of 4067 Sft and permissible height of 70'-0" from ground level to ridge top. Subsequently the petitioners submitted an application vide No. SMC/2024/4642 dated 11th March, 2024 seeking permission for raising a mezzanine floor in the said G+5 storied mixed-use commercial building with basement proposed for parking and ground floor designated for stilt parking.

03. It is mentioned in the aforesaid communication that application of the petitioners was examined, however, it was observed that the petitioners were failed to submit the mandatory CLU (Change of Land Use) certificate, despite lapse of more than one year. It was also mentioned in the aforesaid communication produced by Mr. Bikramdeep Singh, learned Dy.AG, that since the CLU certificate is a statutory prerequisite for consideration of building permission, the application so filed by the petitioners was rejected.

04. Thus, from a bare perusal of the communication mentioned supra a copy of which has been provided

to this court and is taken on record, it is emphatically clear that since the petitioners have failed to submit the mandatory CLU (Change of Land Use) certificate despite lapse of more than one year, which is statutory prerequisite for consideration of building permission, their application stood rejected and this was the precise reason that the communication dated 6th April, 2026, which is subject matter of the instant petition, came to be issued whereby coercive action against the petitioners has been proposed.

05. Thus, according to Mr. Bikdramdeep Singh, learned Dy.AG, appearing for the respondents the delay is attributable to the petitioners which is the precise reason the regularization could not be done and the petitioners have been communicated in this regard on many occasions, but the needful has not been done.

06. To the contrary, the learned counsel for the petitioners submits that there is a requirement of providing necessary CLU certificate in the instant matter as the respondents have not taken the requisite action in pursuance to the application preferred by the petitioners within the stipulated period, which under law tantamounts deemed permission and, thus, there was no requirement according to the learned counsel for the petitioners to provide the said certificate.

07. The learned counsel for the respondents submits that respondents have already issued a demolition notice in this regard against the petitioners, which was called in question by the petitioners before the learned Tribunal and the learned Tribunal after hearing learned counsel for both the parties passed a detailed Order dated 6th December, 2024, by virtue of which, the case of the petitioners was remanded to the Commissioner, Srinagar Municipal Corporation for considering regularization/compounding of the 6th Floor in accordance with relevant law and subject to payment of regularization/compounding fee as provided by law in view of the fact that the petitioners had already applied for revised permission.

08. In the light of the rival submissions made by learned counsel for both parties and since an innocuous prayer has been made by learned counsel for the petitioners, this Court deems it appropriate to dispose of the instant petition at this stage in the light of the order passed by the learned Tribunal.

09. From a bare perusal of the order passed by the learned Tribunal, it was incumbent on the part of Commissioner, Srinagar Municipal Corporation to have accorded due consideration/ regularization/ compounding of the 6th Floor in accordance with law subject to the payment of compounding fee as

provided by the law, but the needful has not been done in spite of fact that the order was passed way back on 6th December, 2024, which prompted the petitioners to file the instant petition. However, to the contrary, Mr. Bikdramdeep Singh, learned Dy.AG, submits that the order passed by the learned Tribunal was not brought to its logical conclusion and could not be implemented for the reason that the petitioners have been communicated on many occasions qua the CLU certificate and since the aforesaid certificate is a pre-requisite condition for regularization/compounding, the order could not be implemented,

10. Without going into merits of the case or controversy in question, and since an innocuous prayer has been made by the petitioners in the instant petition, this Court deems it appropriate to dispose of the writ petition at this stage by directing the petitioners to pay the requisite compounding fee as provided under law and subject to payment of the requisite fee and fulfillment of other requirements as provided under law as directed by the learned Tribunal vide Order dated 6th December, 2025, the Commissioner, Srinagar Municipal Corporation shall take a final call and pass a detailed consideration order for regularization/ compounding of the 6th Floor in

accordance with relevant law within a period of five weeks from the date copy of this order along with writ petition and enclosed annexures are made available to the respondents.

11. The writ petition is disposed of in the manner indicated above along with connected CM(S).

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:

12.05.2026

"Shamim Dar"

