

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

WP(C) 1649/2023 CM(3835/2023) CM(6346/2024)

FEROZ AHMAD BATOO AND ANR

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

Through: Mr. Hilal Ahmad Wani, Advocate

Vs.

**UNION TERRITORY OF J AND K AND
ORS (HOUSING AND URBAN
DEVELOPMENT)**

...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

30.01.2026

1. In this petition, petitioners herein have challenged order dated 07.02.2023 passed by Jammu and Kashmir Special Tribunal Jammu, whereby appeal of the petitioner has been dismissed. He is further seeking direction upon respondents to de-seal the property of the petitioners.
2. Petitioners herein claim to be owners and in possession of three storied building, having one shop at the ground floor situated at Nowpora, Srinagar. It is stated that, in the year 2020, petitioner No. 1 submitted a site plan along with the relevant documents/NOCs for grant of building permission, for which requisite fee was deposited before the competent authority.
3. Thereafter the respondents issued a notice of demolition under Section 7(3) of J&K Control of Building Operation Act 1988, read with Amendment bearing No. LCMA/EO/444-46 dated 06.06.2022, issued by Enforcement Officer Lake Conservation and Management Authority.
4. Petitioner No. 1 preferred an appeal against the said notice of demolition before the J&K Special Tribunal, in case titled "*Feroz Ahmad Batoo Vs. LCMA*". The Tribunal vide order dated 01.09.2022 disposed of the appeal, thereby setting aside the impugned notice of demolition and directed the respondent No. 3 of the application filed by the petitioner No. 1, for grant of building permission in accordance with the rules.
5. It is stated by the learned counsel for the petitioner that the order of the Tribunal dated 01.09.2022 was duly served upon the respondents,

however no action was taken by the competent authority. Instead respondents issued a sealing order dated 15.09.2022 against the petitioners, which constrained the petitioners to prefer revision against the sealing order before the Tribunal. The same came to be dismissed by the Tribunal, as such the instant petition has been filed.

6. Reply stands filed by the respondents, it is stated that the petitioners have never submitted NOC's from other departments before the competent authority, however only a copy of the technical report of Town Planning Organization was received by the authority, which mentions that the site of the applicant falls in the traffic and transport (parking) use and partly in residential use in MHDR-Zone-X, as per the Master Plan-2035 of Srinagar City.
7. Mr. Ilyas Nazir Laway, learned government advocate states that the application which was directed to be considered by the Tribunal, in terms of order dated 01.09.2022 has never been received by the competent authority. However learned counsel for the petitioner has placed on record NOCs duly issued by the competent authority, as well as the receipt of application dated 25.09.2020.
8. Be that as it may, this petition is disposed of with a direction to the petitioners to file a fresh application before the competent authority, in terms of order dated 01.09.2022 within a period of one week from the date of passing of this order. The competent authority is directed to consider the application of the petitioner within a period of two months from the date of receipt of the application by passing a speaking order thereon.
9. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:

30.01.2026

“Adil Ismail”