

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

WP(C) 1464/2024 CM (3932/2024)

Mohammad Ameen Donu

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

Through: Mr. Ahmad Javid, Advocate.

Vs.

**Union Territory of J and K and
Ors.**

...Respondent(s).

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

17.02.2026

1. The matter is taken out of turn on mention.
2. Reply has not been filed in the matter despite last and final opportunity having been granted to the official respondents as per the previous order.
3. It has been reported by the Registry that notice to the private respondents 4 & 5 has been sent to them through the Process Serving Agency of District Court, Budgam, but has not been received back.
4. The case of the petitioner in nutshell is that he has obtained building permission for construction of the first floor of his house from the Office of the respondent No. 3 but, the respondents 2 & 3 have illegally made him to stop the construction of his house on their verbal directions which constrained him to approach this Court through the medium of the instant petition for enforcement of his constitutional and other legal rights. That he was carrying the construction of his house strictly as per the permission granted by the respondent No. 3 but unfortunately the private

respondents 4 & 5 approached the official respondents with some false and frivolous complaint regarding his deviation from the building permission.

5. The petitioner has accordingly sought for issuance of writs/directions in the nature of mandamus and prohibition for commanding upon the respondent No. 3 to allow him to raise the construction in accordance with the building permission already granted in his favour by the said respondent No. 3 vide his communication No. PYT/SKB/185-196, dated: 18.11.2023 for the site at Khanday Colony BK Pora, Chadoora Budgam on a plot of land measuring 10 marlas and 172 Sq.fts comprising of Survey No. 1047/391 Min Khewat No. 80 Khata No. 307 of revenue Estate Rakhi Suthoo Tehsil B.K. Pora District Budgam and for restraining the official as well as private respondents from causing any kind of interference into the smooth construction of the first floor of his house as per the permission, if allowed, by this Court.

6. It is submitted by the learned counsel for the petitioner that he has obtained the requisite building permission from the competent authority i.e. Respondent No. 3 as early as on 18.11.2023, but, unfortunately he has been verbally directed by the respondents 2 & 3 to stop the construction of his house as they had received a complaint from the private respondents 4 & 5. It is submitted that the petitioner has been badly suffering on account of the fact that the construction of his house which was undertaken pursuant to the building permission stands under halt to the great prejudice and suffering of his family members.

7. As hereinabove mentioned the official respondents have not chosen to file their reply despite ample opportunities. The private

respondents have also not chosen to appear in the matter despite issuance of notices against them.

8. In the facts and circumstances of the case, especially having regard to the relief claimed in the petition, this Court is of the opinion that the matter can be disposed of even at this stage by passing of appropriate directions which are not likely to prejudice the rights and interests of the respondents.

9. Accordingly, the instant petition is disposed of at this stage with the direction to the official respondents especially respondent No. 2 & 3 that they shall allow the petitioner to carry on the construction of the first floor of his house strictly as per the building permission already granted in his favour vide communication No. PYT/SKB/185-196, dated: 18.11.2023.

10. The respondents, both official and private, are restrained to interfere with the construction to be started by the petitioner provided the same is undertaken strictly as per the terms and conditions of the building permission.

11. **Disposed of.**

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
17.02.2026
Shahid Manzoor