

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

WP(C) 2459/2026 CM (6648/2026)

Barkat Ali Bhat

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

Through: Mr. Bhat Khursheed, Advocate

Vs.

**Union Territory of J and K and
Others**

...Respondent(s).

Through:

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

28.09.2026

1. Heard the learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner in nutshell is that he had obtained a building permission from Municipal Committee, Handwara, in 2019 under due process and had also deposited Rs. 72,000/- as the requisite fee for the same. That acting upon the said permission, he commenced the construction. That after several years, the respondents No. 3 has come up with the impugned notice dated 18.09.2026 directing the stoppage of the subject construction and requiring him to obtain a fresh building permission solely referring to a departmental circular dated 02.03.2023 whereunder the permission already obtained stands cancelled. That his existing permission has been canceled without any notice or opportunity being heard having been given to him. That the respondents have neither specified any statutory provision authorizing the retrospective cancellation of the permission nor recorded any finding regarding the violation of

sanctioned building plan. That the action of the respondents is arbitrary, unreasonable and violative of articles 14 and 300A of the Constitution of India.

3. Perused the petition and the copies of documents enclosed with the same.
4. Perusal of the instant petition and the copies of documents enclosed with the same reveals that the matter is not maintainable under law.
5. Admittedly, the petitioner has obtained a permission from the respondent No. 3 vide No. MC/H/2019-20/2051-52, dated; 20.02.2019. As per the condition/stipulation No. 4 attached to the subject permission, the same was to remain in force for a period of two years from the date of its dispatch. So, the building permission obtained by the petitioner dated 20.02.2019 was valid only till 19.02.2021. The unified building bylaws of 2021 otherwise also provide the validity period of a building permission. The impugned notice has directed the petitioner to stop the further construction of the commercial complex, on the same main ground that the permission already obtained for the same is not valid. The respondent No. 3 has, however, also mentioned in the impugned notice that Housing and Urban Development Department vide circular No. 02-JK (HUD) of 2023 dated: 02.03.2023 has directed that building permissions issued by the elected representatives shall stand cancelled.

6. It is submitted by the learned counsel for the petitioner that the petitioner has already applied to the Office of the Respondent No. 3- Executive Officer, Municipal Committee, Handwara, District Kupwara for renewal of his building permission which is, however, pending disposal.
7. Having regard to the grounds taken in the petition and the prayer sought, the petition is dismissed as non-maintainable. However, the respondent No. 3 is directed to immediately proceed on the pending application of the petitioner for renewal of his building permission in accordance with the law.
8. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
28.09.2026
Shahid Manzoor