

Serial No. 40
Regular Cause List

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

CCP(S) 467/2023 in[WP(C) 1796/2022] CM(6707/2025).

ABDUL MAJEED ZARGAR (SENIOR CITIZEN).

.....Petitioner(s)

Through:

Mr. N. A. Beigh, Sr. Adv. with Mr. Sofi Manzoor, Adv.

Versus

GHULAM HASSAN MIR (SRINAGAR MUNICIPAL CORPORATION)

.....Respondent(s)

Through:

*MR. Bikramdeep Singh, Dy. AG with
Ms. Nowbahar, Adv.*

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

06.04.2026

1. The instant contempt petition arises out of an order/judgment dated 29.05.2023 passed by this Court in WP(C) No. 1796/2022, by virtue of which the writ petition preferred by the petitioner was disposed of with a direction to Srinagar Municipal Corporation(SMC) to consider the complaint filed by the petitioner before it with regard to the construction so raised and after hearing both the parties, the Srinagar Municipal Corporation was directed to pass appropriate orders in conformity with the provisions of the Municipal Corporation Act, and the bylaws made thereunder. In addition both the parties were directed to appear before the Joint Commissioner Planning on 08.06.2023 and the writ petition was disposed of accordingly.

2. Mr. Bikramdeep Singh, learned Dy. AG, appearing on behalf of the respondents submits that he has filed a detailed compliance report in terms of order mentioned supra followed by order dated 18.07.2025. The learned counsel for the respondent has drawn the attention of this Court to the compliance report so filed, a perusal whereof reveals that both the parties were heard in the Office of Joint Commissioner Planning and the petitioner/complainant has raised objections with respect to the following issues;

- I. *Building height*
- II. *Set back norms*
- III. *Raising of ground level*
- IV. *Building usage*
- V. *FAR/FSI*
- VI. *Ground coverage*
- VII. *Parking”.*

3. It is further submitted that the building permission issued by the Corporation viz.a.viz the provision contained in the master plan-2035, certain observations surfaced which the respondents have tabulated in Para 6 of the compliance report and is reproduced as under;

Parameters	As per Building Permission	As per Master Plan-2035
Ground coverage	31%	40%
Setbacks	Front:35'-0" Rear:15'-5" One side:15'-0" Other side:15'-0"	Front:20'-0" Rear:15'-0" One side:15'-0" Other side:15'-0"

Building usage	Mixed use	Mixed use
Parking	30ECS (provision)	25 ECS (Demand)
FAR	1.20	1.20/1.60
Height	G+4	G+4 @ 31% Ground Coverage
Zone	MDR_Zone	MDR_Zone_
Ground Coverage	30.6%	40%
FAR	1.60/1.20	1.60/1.20
Height	G+4	4/5 floors
Permitted area	6520 Sft	N.A
Plot area	21264 Sft	N.A

4. In addition, it has also been submitted that the concerned petitioner has raised structure with deviation in plinth and built-up area at ground floor level and has also raised the structure upto the raft level by around 3 feet necessitating the provisions of ramp for the stilt floor approved for parking purposes. Consequently, the provisions of ramp to stilt floor may lead to raising of plot/ground level by about 3 feet at least on 2 sides.
5. It is also submitted that the respondent No. 2 i.e., Joint Commissioner Planning, Srinagar Municipal Corporation, Srinagar has also conducted the site inspection and has observed that the concerned petitioner has raised 5th floor without building permission which was brought to the notice of the appropriate authorities to proceed as per the Municipal Corporation Act.
6. Although, the permittee had applied for raising of 5th floor over the existing G+4 storied building through online

building permission system (OBPS) vide application No. SMC/2023/3797 dated 08.09.2023, the same was rejected by the competent authority being not permissible under rules. Thereafter, the permittee had applied for a fresh through OBPS under application No. SMC/2023/4150 dated 21.11.2023 for modification of his previous building permission issued vide order No. 403/2020 dated 19.12.2020, seeking raising of attic floor for family use over the existing G+4 storied building along with regularisation of deviations and the same was again rejected by the competent authority on 04.04.2024 on the ground that the proposal for the applicant does not confirm to the provisions of the master plan 2035 and J&K building bylaws 2021 with respect to the setbacks.

7. Thus, on the basis of the stand taken by the respondent in the compliance report, the case was placed before the Commissioner-Srinagar Municipal Corporation for necessary orders in terms of J&K Municipal Corporation Act, and the concerned Ward Officer/field staff was asked to ascertain the deviations and the report has been given by the said field officer with respect to construction work of the columns under iron truss in violation of order dated 28.02.2024 with respect to the status quo passed by the J&K Special Tribunal. The matter did not rest over here. The permittee has filed an appeal against order of demolition before the learned Tribunal, wherein order dated 19.07.2024, the following direction was passed with

respect to the building permission bearing No. 403 of 2020 dated 19.12.2020:

“It is admitted case that vide building permission order No. 403/2020 dated 19.12.2020, the appellant was permitted to raise construction of G+4 mixed use building, with a total height of 60 feet up to the ridge top. It is the contention of the appellant that the revised building plan had been submitted on 21.11.2023, for regularizing some excess floor coverage and the height of the building which was necessitated by the architectural consultancy for structural safety and the aesthetic roof top. Within the statutory period the revised building plan was not addressed, as such, it lawful for the appellant there be any deviation, the respondents shall be at liberty to proceed accordance with the law and also to intimate this Tribunal for taking view of the matter. Interim application shall stand disposed of. Appeal be posed for further consideration on 01.10.2024. The appellant shall furnish an undertaking within 4 days in terms of the conditions above.”

8. In the light of the stand taken by the respondent in the aforesaid compliance report, Mr. Bikramdeep Singh, learned Dy. AG, submits that the order/judgment passed by the learned writ court dated 29.05.2023 stands complied with. It is further submitted that whatever was required on the part of the Srinagar Municipal Corporation have already been duly completed. Accordingly, the contempt proceedings are liable to be closed, and the present contempt petition deserve to be disposed of.
9. Heard learned counsel for the petitioner and also perused the stand taken by the respondent in the compliance report. The Court is in agreement with the statement made by Mr. Bikramdeep Singh, learned Dy. AG,

appearing on behalf of the respondent, that the order passed by the learned writ court stands complied with. This Court is of the view that whatever was required on part of the respondent have already been done and thus, the proceedings in the instant contempt petition are liable to be closed.

10. Accordingly, the proceedings in the instant contempt petition are closed. Rule, if any, shall stand dis-charged, as the order passed by the learned writ court stands complied with. However, disposal of the instant contempt petition shall not come in the way of the petitioner to agitate his cause before the appropriate authority, where the matter is presently pending, with regard to the same subject matter.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar

06.04.2026

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