

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

CCP(D) 69/2024 in[LPA 260/2024]

MOHAMMAD AFZAL KHAN & ANR. ...Petitioner/Appellant(s)

Through: Mr. Showkat Ali Khan, Advocate

Vs.

OWAIS AND ANR. ...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms Maha Majeed, AC for 3 & 4
Mr. Bikramdeep Singh, Dy. AG with
Ms Nowbahar Khan, AC for 1 & 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDE R

07.04.2026

1. This is a petition for initiating contempt proceedings against the respondents for willful disobedience and non-compliance of the judgment dated 21.10.2024 passed by this Court in LPA No. 260/2024 titled "*Raja & Ors. Vs. UT of JK & Ors.*" whereby this Court, while disposing of the appeal, directed as under :

"i. That the Srinagar Municipal Corporation shall, in terms of the impugned Order and Judgment, consider the renewal of the building permission granted to the private Respondents vide Order No. 1515 of 2015 dated 26th of November, 2015 and Order No. 1771 of 2016 dated 24th of March, 2016 in respect of plots of land comprising Survey No. 2645/980 Min situated in estate Rawalpura;

ii. That, before the private Respondents commence the construction in terms of the renewed permission, to be granted by the Srinagar Municipal Corporation, the Assistant Commissioner, Revenue shall constitute a team of revenue Officers headed by Tehsildar to demarcate the land falling in Survey

No. 2645/980 Min, for which the private Respondents were granted permission to raise the construction;

iii. That, upon such demarcation, the private Respondents shall raise their construction as per the permission/ renewed permission, if any, granted by the Srinagar Municipal Corporation on the land comprising Survey No. 2645/980 Min; and

iv. That the concerned authorities of the Srinagar Municipal Corporation shall ensure that the private Respondents raise their construction strictly as per the permission on their respective plots falling in Survey No. 2645/980 Min and as are demarcated by the team headed by the Tehsildar, to be constituted by the Assistant Commissioner, Revenue, in terms of direction No. (iii) hereinabove.”

2. On being put on notice, the respondents 1 & 2 have filed their statement of facts and have submitted that they could not comply with the directions of this Court and grant the renewal of the building permission which was granted to the petitioner herein vide Order No. 1515/2015 dated 26.11.2015 and Order No. 1771/2016 dated 24.03.2016, for the reason that, on spot verification, it was found that, pursuant to the original permission granted, the petitioner had raised construction on Survey No. 2491/980.
3. The respondents 3 & 4 have also filed their compliance report and have submitted that they would demarcate the land falling under Survey No. 2645/980 Min situated in Estate Rawalpura after the requisite renewal is granted by the Srinagar Municipal Corporation (SMC).

4. Having regard to the stand taken by both the sides, we do not find that the judgment passed by this Court has been violated in any manner. The petitioner has himself raised construction on Survey No. 2491/980 of Estate Rawalpura without there being any permission by taking the benefit of permission granted in respect of Survey No. 2645/980 Min. Till the illegal construction raised on Survey No. 2491/980 is demolished, no further progress in the matter can be made, nor can any renewal of the building permission already granted to the petitioner be considered.
5. This contempt petition is, therefore, found devoid of any merit and the same is accordingly **dismissed**. We, however, leave it open to the petitioner to demolish the construction, if any, raised without permission on Survey No. 2491/980 and thereafter approach the Municipal Authorities for renewal of the building permission. In such an event, the judgment passed by this Court shall be complied with by the respondents in letter and spirit.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

07.04.2026

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