

24.07.2023
rc/ct.no.10
Item No.210

WPA No. 12578 of 2023
Gunjan Sinha @ Kanishk Sinha
Versus
The State of Jammu & Kashmir & Ors.

Mr. Gunjan Sinha @ Kanishk Sinha
...petitioner-in-person

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondents despite service.

The petitioner is aggrieved by the fact that though this Court, by an order passed on March 01, 2023 in WPA No. 25775 of 2022 directed the concerned respondents to dispose of the representation submitted by the petitioner dated August 03, 2021 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner, in accordance with law, no notice of hearing has been served upon the petitioner till date, thereby indicating that the representation has not been taken up for consideration by the authority in compliance with the order of the Court.

Learned counsel for the petitioner submits that without considering the representation pending before the authority, the concerned authority has issued an order on April 20, 2023 according sanction under

commercial segment with certain stipulations. The said order is assailed in the writ petition.

Upon consideration of the submission made by the petitioner and material on record, this Court is of the view that since there was a direction upon the concerned authority to consider and dispose of the representation submitted by the petitioner within a stipulated time frame upon affording reasonable opportunity of hearing to the petitioner, the authority could not have passed the order impugned without considering the representation in compliance with the earlier order of this Court.

In view of the above, the order impugned dated April 20, 2023 is stayed.

The concerned authority being the respondent no. 2 herein, is directed to comply with the order passed by this Court on March 01, 2023 in WPA No. 25775 of 2022 and consider and dispose of the representation submitted by the petitioner on August 30, 2021 within one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested persons including the petitioner in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Since the respondents are not represented, the petitioner is directed to serve a copy of the representation

along with a copy of this order as well as order dated March 01, 2023 passed in WPA No. 25775 of 2022 upon the 2nd respondent at the earliest.

With the above observations and directions this writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)