

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

CCP(S) No. 208/2024

Mushtaq Ahmed

.... Petitioner(s)

Through :- Mr. S.S. Ahmed, Advocate with
Mr. Rahul Raina, Advocate.

V/s

Surender Mohan Sharma, Additional
District Development Commissioner,
Kathua.

....Respondent(s)

Through :- Mr. S.S. Nanda, Sr. AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
11.12.2024.

1. The instant contempt petition has been preferred for implementation of order/judgment passed by this Court in Review Petition bearing No. 06/2024 in WP(C) No. 2532/2023 whereby the petitioner sought review of the basic order dated 20.12.2023 passed by this Court in the aforesaid writ petition to the extent that the matter for grant of permission was to be considered at that relevant point of time by the Additional District Development Commissioner, Kathua in terms of S.O. 595 dated 29.11.2023.

2. In the light of the statement made by learned counsel for the petitioners before the Review Court, the review petition was **allowed** and a direction was issued to the petitioner to approach the Additional District Development Commissioner, Kathua for grant of permission/sanction in terms of S.O. 595 dated 29.11.2023 vide order dated 08.05.2024.

3. Before proceeding further, it would be apt to reproduce the order passed by the Writ Court in WP(C) No. 2532/2023 decided on 20.12.2023:-

“Objections have not been filed.

The grievance of the petitioner is that he has applied for building permission to raise a boundary wall. Though, the permission was uploaded but he he was not permitted to construct the boundary wall on the plea that the permission/sanction has not been signed by the President, Municipal Committee, Basohli. He submits that as the term of said President is over and has seized to grant permission and the functioning of the Municipal Committee, Basohli regarding the granting of permission/sanction for raising construction has now been given to the Deputy Commissioner, Kathua and the Additional Deputy Commissioner, Basohli.

Learned counsel appearing for the respondents submits that the case of the petitioner, if pending would be considered strictly in accordance with the rules governing grant of permission/sanction for raising construction for boundary wall, the same shall be done within a period of four weeks.

Disposed of in the terms aforesaid. ”

4. Since the order passed by the Review Court dated 08.05.2024 was not complied with, the petitioner has preferred the instant contempt petition.
5. Statement of facts have been filed on behalf of the respondents in which they have taken a specific stand that pursuant to the directions passed by this Court, a meeting was convened by the Director Urban and Local Bodies, Jammu whereby the Administrative Officer, Municipal Committee, Basohli vide communication dated 05.07.2024 has conveyed to the Executive Officers under his jurisdiction including that of Municipal Committee, Basohli that all the building permission cases which were approved by them will be treated as final and no further approval is required from the Administrator.
6. In the light of the aforesaid policy decision, the respondents while filing the reply have specifically admitted that the order conforming the approval issued on 05.07.2024 which was the subject matter of the Writ Court and the Review Court also applies in case of the petitioners whose case has already been approved by the Administrative Officer, Municipal Committee, Basohli on 13.09.2022.
7. The respondents have placed on record the said communication along with the statement of facts the subject of which has been mentioned as building permission.

8. Thus, in the light of the stand taken by the respondents, it can safely be concluded that the building permission which has already been granted to the petitioner is final and no further approval is required from the Administrator in the light of the policy in vogue.

9. Thus, in the above background, no fruitful purpose will be served to keep this contempt petition pending as the order/judgment passed by this Court stands complied with in its letter and spirit and, accordingly, proceedings in the instant contempt petition are **closed**.

10. Rule, if any, shall discharged.

11. The contempt petition stands **disposed of** as the order stands complied with.

(Wasim Sadiq Nargal)

Judge

Jammu:
11.12.2024.
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