Sr. No. 5

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 265/2024 in
[WP(C) No. 3209/2023]
CM No. 7586/2024
CM No. 7587/2024

Davinder Kumar Jain, Age 65 years ….. Appellant/Petitioner(s)
S/O Sh. Sudershan Kumar Jain
R/O H. No.20/B, Extn. Gandhi Nagar,
Jammu.

Through: Mr. Amit Gupta, Advocate.

Vs

1. Building Operation Controlling Authority ….. Respondent(s)
Area Jammu through its Commissioner, Jammu
Municipal Corporation, Town Hall, Jammu.
2. Secretary, Municipal Corporation,
Jammu.
3. Assistant Commissioner (Revenue),
Municipal Corporation, Jammu.
4. Registrar, J&K Special Tribunal, Jammu.

Through: Mr. Rajnesh Raina, Advocate.

Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER

31.12.2024

1. The delay condonation application is filed seeking to condone 330 days delay in filing the appeal against intra-court order dated 27.12.2023 passed by learned Single Judge in WP(C) No. 3209/2023 whereby the learned Single Judge directed the Commissioner, Jammu Municipal Corporation to ensure that in case if the building permission earned by the Chander Kumar Jain and Davinder Kumar Jain with respect to the building premises of 20-B, Gandhi Nagar, Jammu is for residential purpose then in case the building has not been so constructed in the manner in which it was permitted to be constructed as per the building permission no.564/BS/11 dated 08.08.2011 then to seal the building portion which has suffered diversion from being residential to commercial and submit a status report to said effect and compliance.

2. It is submitted by the learned counsel for the appellant, Mr. Amit Gupta that the matter is fixed for hearing on 02.01.2025 before the learned Single Judge.

3. Issue notice.

4. Notice is accepted by Mr. Rajnesh Raina, learned counsel appearing on behalf of the respondents.

5. At this stage, we, without expressing any opinion on the merits of the case, dispose of the condonation of delay application as well as the accompanying appeal by providing liberty to the appellant to agitate before the learned Single Judge by laying motion for modification/alteration of the impugned order.

6. We request the learned Single Judge to consider and decide the motion accordingly.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(MA Chowdhary) **(Tashi Rabstan)**
Judge **Chief Justice**

Jammu
31.12.2024
Raj Kumar