Sr. No. 17

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 176/2023

Sudesh Kumar .....Appellant(s)/Petitioner(s)

Through :- Mr. Adrash Sharma, Sr. Advocate
with
Mr. Atul Verma, Advocate.

v/s

UT of J&K and Ors. .....Respondent(s)

Through :- Mr. Mayank Gupta, Advocate.
Mr. Rajat Advocate vice
Mr. Suneel Malhotra, GA
Mr. Rohit Bharti, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
18.08.2026

1. Respondent No. 3 already stood proceeded in ex-parte.

2. Mr. Rohit Bharti, Advocate appearing for respondent No. 3 submits that he has already moved an application for setting-aside the ex-parte proceedings. He further states at bar that the Municipal Corporation, Jammu has already issued demolition order in terms of section 7(3) of the BOCA, and against which respondent No. 3 has laid an appeal before the Special Tribunal, which is still pending.

3. It is submitted by the learned Senior Counsel for the petitioner that given the aforesaid submission made by the learned counsel for respondent No. 3, if being of substance and once the Municipal Corporation has proceeded to take action in terms of Section 7(3) of BOCA, against the respondent No. 3 then

his petition is rendered infructuous. His statement is taken on record. In view of the subsequent developments, nothing survives in this petition.

4. The instant writ petition is accordingly ***dismissed*** as having been rendered infructuous. However, petitioner shall be at liberty to lay a fresh motion, in case, cause survives.

5. Interim direction, if any, shall stand vacated.

(Sanjay Parihar)
Judge

JAMMU
18.08.2026
Javid Iqbal

HIGH COURT
सत्यमेव जयते
OF JAMMU & KASHMIR AND LADAKH