HIGH COURT OF JAMMU, KASHMIR & LADAKH
AT JAMMU

WP(C) No. 313/2022

Banwari Lal Tuli .....Appellant(s)/Petitioner(s)

Through: Ms. Harmeet Kour, Adv. with
Mr. Mohd. Latief Malik, Adv.

vs

U. T. of J&K and others ..... Respondent(s)

Mr. Suneel Malhotra, GA for Nos. 1 to 3
None for No. 4

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
18.11.2026

1. The prayer made by the petitioner in the instant petition, who happens to be the brother of respondent No. 4, is for commanding the official respondents to demolish the unauthorized construction raised by respondent No. 4 on the ground and first floor of the house situated at Ward No. 5, Tehsil Nowshera, District Rajouri and for declaring the inaction of the official respondents not to demolish the illegal construction raised by respondent No. 4 in violation of notice dated 17.07.2021 as illegal.

2. Respondent No. 4 has already been *set ex parte*.

3. The official respondents have responded to the petition by asserting that the contesting parties are having some dispute with regard to joint property of their father, who has died and respondent No. 4 has started some construction/repair work in the said joint house and on getting the knowledge, the respondent No. 3 issued notice dated 07.07.2021 to private respondent No. 4 for stopping the construction. It is further

Rakesh Kumar
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I attest to the accuracy and
integrity of this document

stated that the petitioner has filed a partitioned suit before the court of learned Sub Judge, Nowshera, titled, "Banwari Lal Tuli vs. Subash Chander and others" and has also arrayed respondent No. 4 in the said suit as party.

4. In the said suit, vide order dated 29.07.2021, the learned civil court has directed the parties to maintain status quo with regard to possession and alienation of the suit property as it existed on the date of presentation of the suit till final disposal of the suit and further non-applicants/defendants have been restrained from further construction over the first floor on the suit property.

5. Heard learned counsel for the parties and perused the record.

6. The petitioner and respondent No. 4 are already litigating before the civil court and the civil court has already issued the direction restraining the defendants in the suit including respondent No. 4 herein not to raise any construction on the first floor of the house, as such, the part relief sought by the petitioner in this petition stands already granted by the learned civil court. So far as other relief sought by the petitioner for commanding respondent No. 4 to take action regarding unauthorized construction raised by respondent No. 4, the official respondents shall proceed in accordance with law.

7. Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
18.11.2026
Rakesh PS

Whether the order is speaking : Yes/No
Whether the order is reportable: Yes/No