Regular List
Serial No. 11

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 3092/2026
CM No. 7494/2026
CM No. 6846/2026

Date of pronouncement : **27.10.2026**
Uploaded on : **13.11.2026**

Neeru Choudhary aged 40 years,
W/o Uttam Choudhary,
Resident of Bhour R.S. Pura,
Bhaw Khour Devian, Tehsil R.S.
Pura, District Jammu,
at present Seohra, Tehsil Bishnah,
District Jammu.

.....Petitioner

Through:- Mr. Rajeev Sharma, Advocate.

V/s

1. Union Territory of Jammu and Kashmir through Commissioner/Secretary to Govt., Housing and Urban Development Department, Civil Secretariat, Jammu.

2. Vice Chairman, Jammu Development Authority, Vikas Bhawan, Railhead Complex, Jammu [Prescribed Authority under J&K Control of Building Operation Act, 1988 and Jammu & Kashmir, Town Planning Act, 1963].

3. Chairman, Building Operation Controlling Authority, Municipal Corporation, Jammu.

4. Chief Executive Officer, Building Operation Controlling Authority, Municipal Corporation, Jammu/Samba Local Area.

.....Respondents

Through:- Mr. Atul Verma, Advocate vice
Mr. Adarsh Sharma, Sr. Adv.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

01. This Court deems it appropriate to *dispose of* this writ petition without disturbing the status of sealing effected by the Jammu Development Authority (JDA) through its notice

No. JDA/The-D/CEO/1085-1092 dated **07.05.2026** with respect to the premises forming subject matter of the notice.

02. The petitioner-**Neeru Choudhary** came forward with the present petition filed on **24.09.2026** to challenge the continuing sealing of her building premises the site whereof is alleged to be comprised of **6 marlas** of land in **khasra No. 251** of village Sehora, tehsil Bishnah and district Jammu.

03. The purchase of **6 marlas** plot of land by the petitioner-**Neeru Choudhary** is from the erstwhile owner-**Manisha Rani**, by virtue of a sale deed dated **30.04.2024**, at which point of time purchased **6 marla** plot of land was surely not bearing any construction thereupon/thereat and, thus, whatsoever is the construction at the site in the form of building premises is post the purchase of the plot of land by the petitioner-**Neeru Choudhary**.

04. The site of village Sehora falls within the jurisdiction of development area under the Jammu Development Authority (JDA) which is said to have resorted to legal course of action with respect to the development of unauthorized construction being undertaken at the site, but without knowing the name of actual owner and, thus, the course of action under the Jammu & Kashmir Control of Building Operations Act, 1988, was undertaken by the Building Operation Controlling Authority (BOCA), Jammu Development Authority (JDA) against an anonymous person.

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05. It is here where the petitioner can be heard to have a grievance that her property had been condemned to sealing without affording her an opportunity of being heard.

06. Mr. Atul Verma, learned Advocate, appearing vice Mr. Adarsh Sharma, learned Sr. Advocate for the Jammu Development Authority (JDA), apprises this Court that the entire construction activity at the site is of 2026, which is evident from the photographs at the disposal of the Jammu Development Authority (JDA).

07. This Court is of the view that the Building Operation Controlling Authority (BOCA) Jammu Development Authority needs to repeat the exercise under the Jammu & Kashmir Control of Building Operations Act, 1988 against the petitioner on account of having come to know through the medium of this writ petition as to who is the actual owner of the land site as well as the offending building premises is.

08. The Building Operation Controlling Authority (BOCA) Jammu Development Authority cannot be heard to insist upon to hold on to the previous legal course of action from its end.

09. Accordingly, this writ petition is ***disposed of*** with a direction to the Jammu Development Authority (JDA) and its officials to initiate a fresh course of action under Jammu & Kashmir Control of Building Operations Act, 1988 vis-à-vis the petitioner, whereupon the petitioner shall have the remedy of

not only responding to statutory show cause notice but also in the event of any adverse order against her to avail the statutory remedy of appeal before the appellate authority and till that time the sealing of the building premises to remain as it is leaving it free for the appellate authority to take a call in the event of any demolition order being addressed against the petitioner and getting questioned in statutory appeal.

10. ***Disposed of*** along with connected application(s).

(RAHUL BHARTI)
JUDGE

JAMMU
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Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No