

(2023) 12 J&K CK 0005
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 3082 Of 2023

Showkat Ahmad Shah

APPELLANT

Vs

UT Of J&K And Ors

RESPONDENT

Date of Decision : 02-12-2023

Acts Referred:

Citation : (2023) 12 J&K CK 0005

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Asifa Padroo, Ilyas Laway

Final Decision : Disposed Of

Judgement

Sanjay Dhar, J

1. The petitioner has filed the instant petition seeking a direction upon the respondents to grant him permission for effecting necessary repairs in the structure, built upon the land measuring 2 kanals 4 marlas under Khasra No.354 Min, situated at Village Movera Pahalgam.

2. It is the case of the petitioner that the aforesaid residential structure has been raised prior to the year 2013 and that he desires to effect the repairs on the said structure without altering its dimensions or nature. It has been submitted that roof of the building has got badly damaged due to seeping of rain water inside the building and its walls have also suffered damage and the same requires immediate repairs.

3. Learned counsel for the petitioner has submitted that the structure in question has been raised much prior to the passing of prohibitory order by the High Court in PIL No.484/2010 on 17.07.2013 and also prior of coming into force of SRO 258 of 2013 dated 16.05.2013. The construction in question has been raised by the petitioner prior to year 2013, was also admitted by the Pahalgam Development Authority while filing the list of the structures before the High Court

in the aforesaid PIL. It is pertinent to mention here that the PIL stands disposed of in terms of order dated 27.12.2022 passed by the Division Bench.

4. In view of the aforesaid facts, learned counsel for the petitioner has prayed that a direction be issued to the respondents in terms of the prayer made in the instant petition.

5. Having regard to the nature of the relief sought by the petitioner the petition can be disposed of at the threshold itself by passing appropriate directions to the respondents.

6. Accordingly, the petition is disposed of with a direction to respondent No.3 to accord consideration to the grant of permission to the petitioner for effecting repairs to the existing structure mentioned above, subject to the condition that the petitioner, while effecting repairs, shall not alter the nature and dimensions of the structure. The consideration shall be accorded by respondent No.3 expeditiously, preferably within a period of one month from the date a copy of this order is served upon him, after taking into account the facts indicated herein above.