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| S. No. 2 |
| Regular  |

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

**WP(C) 1591/2022**

**Abdul Rashid Bhat**

...Petitioner(s)

Through: Mr. M. Sultan, Advocate

**Vs.**

**U.T of J&K and Ors.**

...Respondent(s)

Through: Ms. Uzma, Advocate vice,  
Mr. Moomin Khan, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE**

**ORDER**

**02.08.2022**

This petition, filed under Article 226 of the Constitution of India, is directed against the order dated 28<sup>th</sup> June, 2022, passed by J&K Special Tribunal, in an appeal filed by the petitioner challenging the notice of demolition issued by Srinagar Municipal Corporation.

Learned counsel for the petitioner submits that though the petitioner had raised the construction without seeking permission of the Srinagar Municipal Corporation, yet the construction raised meets the requirements of Master Plan and Zoning Regulations and the Building Bye laws framed by the Srinagar Municipal Corporation. He further submits that petitioner is using the impugned construction as a residential house.

Heard learned counsel for the petitioner and perused the material on record.

Notice.

Notice waived My Ms. Uzma, learned counsel for the respondents.

Learned counsel for the respondents seeks and is granted four weeks time to file reply.

Send for the record from the J&K Special Tribunal Srinagar.

List on 12.10.2022.

In the meanwhile, subject to petitioner submitting an undertaking to this Court that he shall not use the impugned construction otherwise than for residential purposes, the operation of the impugned judgment shall remain stayed. The respondent, Srinagar Municipal Corporation, is directed to visit the site and take all measurements and submit a report to the Court, as to whether the construction raised by the petitioner, otherwise meets the measurements of law regarding constructions within Municipal area of Srinagar Municipal Corporation.

**(SANJEEV KUMAR)**  
**JUDGE**

**SRINAGAR**  
**02.08.2022**  
“Mir Arif”