

**HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

CM No. 2065/2020 in
WP(C) No. 925/2020
CM No. 2066/2020
Caveat No. 602/2020

Vijay Kumar Sawhney

.... Petitioner(s)

Through:- Mr. Tasaduq H. Khawja,
Advocate.
(Through video conference)

V/s

Union of India and ors.

.....Respondent(s)

Through:- Mr. Sajad Ahmad Sofi, Mr.
Mohsin Qadri & Mr. Hakim
Suhail Ishtiyag, Advocates for R-
6 & 7/Caveator(s).
(Through video conference)

Coram : **HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**

ORDER

Caveat No. 602/2020

With the appearance of learned counsel for the caveator(s), Caveat is **discharged**.

CM No. 2065/2020

Applicant seeks extension of time for annexing the requisite court fee with the writ petition.

For the reasons stated in the application same is allowed. Applicant is directed to deposit the requisite court fee with the Registry of this Court within a period of one week after the announcement of lifting of lockdown on account of COVID-19 by the Government.

Application is **disposed of**.

WP(C) No. 925/2020

Notice to the respondents.

Mr. T. M. Shamsi, learned ASGI accepts notice on behalf of respondent No. 1, Mr. S. A. Makroo, learned counsel on behalf of respondent No. 2 and Mr. Mohsin Qadri and Mr. Hakim Suhail Ishtiyag, learned counsels on behalf of respondent Nos. 6 & 7.

CM No. 2066/2020

Learned counsel for the petitioner submits that the petitioner is owner in possession of land measuring 10 Kanals 10 Marlas situated at Sonawar. Respondent No. 8 has managed his illegal entries in the revenue record of the land of the petitioner measuring 05 Kanal 01 Marla and 96 Square Feet in Survey No. 1100/945/802, which was subsequently transferred to respondent Nos. 6 and 7. The mutation Nos. 1403 and 1409 qua the disputed land of 05 Kanal, 01 Marla and 96 Square feet in Survey No. 1100/945/802 was challenged before the Financial Commissioner(Rcv) J&K, Srinagar. The Financial Commissioner(Rcv) J&K, Srinagar vide order dated 19.05.2017 has ordered status quo.

Learned counsel for the petitioner further submits that respondent Nos. 6 & 7 by misrepresentation have obtained building permission from Cantonment Board and are raise construction on the disputed land measuring 05 Kanals 01 Marla and 96 Square Feet in Survey No. 1100/645/802, whereas learned counsel for the respondent Nos. 6 and 7 submit that construction is being raised on their land measuring 02 Kanals in survey No. 946/802.

Mr. S. A. Makroo, learned counsel on behalf of respondent No. 2- Cantonment Board submits that the Cantonment Board has already directed the respondents to stop construction activity vide order dated 03.06.2020, as the building permission has lapsed. The respondents, however, have filed a petition bearing WP(C) No. 897/2020 against the same and the order dated 03.06.2020 was stayed. In both the petitions, the issue is regarding building permission

granted to respondent Nos. 6 and 7 by the Cantonment Boards, as such, they are required to be heard together.

List alongwith WP(C) No. 897/2020.

In the interim, respondent No. 5 is directed to demarcate the land mutated in favour of respondent Nos. 6 & 7 vide Mutation Nos. 1403 & 1409 falling under Survey No. 1100/945/802 and submit the demarcation report by the next date of hearing, pending demarcation report, status quo on spot as on date be maintained.

(Sindhu Sharma)
Judge

SRINAGAR
22.06.2020
Ram Murti

