

IN THE HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR

(THROUGH VIRTUAL MODE)

CM No.1945/2020  
In WP(C) No.887/2020  
CM No.1946/2020

Muhammad Rubani Shah & ors.

...Petitioner(s)

Through: Mr. Javaid Hamid, Advocate

Vs.

Union of India & ors.

...Respondent(s)

Through:

**CORAM:**

**Hon'ble Mr. Justice Sanjay Dhar, Judge**

*(Through Video Conference from residence at Jammu)*

**(ORDER)**

**04.06.2020**

**CM No.1945/2020**

Instant application seeking extension of time for annexing/depositing the requisite court fee with the writ petition, in view of the grounds urged therein, is allowed. The petitioners shall deposit the requisite court fee with the Registry of this Court within a period of one week from the date of announcement of lifting of lockdown on account of COVID-19 by the Government.

CM is disposed of.

**WP(C) No.887/2020**

**CM No.1946/2020**

In the petition it is contended that the petitioners are the owners of three structures along with land measuring 2 kanals 14 marlas situated at Karan Nagar Srinagar. The said structures, as per the assertion made in the petition, have been occupied by the Security Forces (23<sup>rd</sup> Bn. CRPF) from the last more than 30 years. It is also contended that the responding No.4, taking advantage of the lockdown/prevaling situation, without seeking permission from the petitioners, have illegally started raising construction on the said land. It is further averred that petitioners approached the

concerned authorities for stopping the said illegal construction but the same did not yield any fruitful results, hence the instant writ petition.

Upon considering the documents on record coupled with the submissions made at the Bar, at this stage a prima-facie case is made out in favour of the petitioners.

Issue notice to the respondents, both in the main writ petition as well as in the application for interim relief, returnable within two weeks. Meanwhile, subject to objections from the other side and till next date before the Bench, the respondents are directed not to raise further construction on the property which is subject matter of the writ petition.

List again on 25<sup>th</sup> of June, 2020.

Copy of this order be furnished to the learned counsel for the petitioners through e-mail.

(Sanjay Dhar)  
Judge

Srinagar  
04.06.2020  
"Bhat Altaf, PS"