

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

WP(C) 1449/2026 CM(3821/2026)

SALEEMA

...Appellant(s)/Petitioner(s)

Through: Mr. Saqib Shabir, Advocate

Vs.

**JAMMU AND KASHMIR SPECIAL
TRIBUNAL AND OTHERS (SRINAGAR
MUNICIPAL CORPORATION)**

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy.AG

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER

30.06.2026

1. By this petition, petitioner herein has challenged order dated 23.06.2026, passed by respondent No. 1- Jammu & Kashmir Special Tribunal, Bench-I, in appeal titled "*Saleema Vs. Commissioner Srinagar Municipal Corporation (SMC) & Ors.*", whereby the application for grant of interim relief has been rejected at the very threshold without any protection with respect to the subject matter of the appeal.

Factual Matrix:

2. The petitioner claims to be the owner in possession of land measuring 18 marlas, falling under Khasra No. 613/263/258/117, Khewat No. 221, situated at Revenue Estate, Barthana, Srinagar; that in the year 2024, the petitioner approached the Srinagar Municipal Corporation by way of an application dated 07.10.2024, seeking permission to construct a residential house on her proprietary land, strictly in accordance with the provisions of the Jammu & Kashmir Municipal Corporation Act, 2000, and the regulations governing building operations; that the petitioner's application was duly processed by the Srinagar Municipal Corporation and forwarded to the concerned departments and authorities for

obtaining No Objection Certificates (NOCs) in accordance with the prescribed procedure.

3. It is stated that the Tehsildar, Central Srinagar, vide communication dated 01.10.2024 addressed to the Assistant Commissioner, Revenue, with a copy endorsed to the Srinagar Municipal Corporation, verified and confirmed the petitioner's title, ownership, and possession of the land in question.
4. It is stated that the respondents are under a statutory obligation to consider and decide the petitioner's application for grant of building permission within the prescribed period of 60 days in terms of Section 247 of the Jammu & Kashmir Municipal Corporation Act, 2000, failing which the provision relating to deemed sanction, as envisaged under the said Section, becomes applicable. It is further stated that since the petitioner's application was neither accepted nor rejected within the stipulated period of 60 days, the petitioner proceeded with the construction strictly in accordance with the site plan submitted along with the application for building permission, without any deviation from the proposed layout. It is further stated that the respondents issued a demolition notice dated 15.06.2026 to the petitioner under the erroneous assumption that she was another person, without due consideration of the facts available on record. Aggrieved thereof, the petitioner preferred an appeal before respondent No. 1 on 21.06.2026. However, the said appeal came to be rejected without due consideration of the grounds urged therein.
5. On 29.06.2026, Mr. Bikramdeep Singh, learned Deputy Advocate General, was directed to seek instructions in the matter. Today, he submits that the petitioner's application for interim relief has been rejected on the ground that the requisite No Objection Certificate (NOC) from the Revenue Department had not been obtained, which is stated to be a condition precedent for the grant of building permission.
6. Learned counsel for the petitioner submits that the petitioner would be satisfied if the present petition is disposed of with a direction to respondent No. 1 to maintain status quo vis-a-vis the property in

dispute till the final disposal of the appeal. He further submits that, in the event interim relief is not granted in favour of the petitioner, the petitioner will suffer an irreparable loss and injury, as the respondents may proceed to demolish the property in dispute.

7. Be that as it may, the instant petition is disposed of with a direction to respondent No. 1 to consider and decide the petitioner's appeal within a period of two months from the date a copy of this order is made available. Till such time, the parties shall maintain status quo qua the property in dispute. The Registry shall convey this order to respondent No. 1.
8. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
30.06.2026
“Adil Ismail”

