

S. No. 79
Supplementary matter

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM No. 4749/2023

In WP(C) No. 1997/2023

Shaheena and anr.

.....Petitioner(s)

Through: Mr. Irfan Andleeb, Adv. .

V/s

UT of J&K and Ors.

..... Respondent(s)

Through: Mr. Illyas Laway, GA

CORAM:

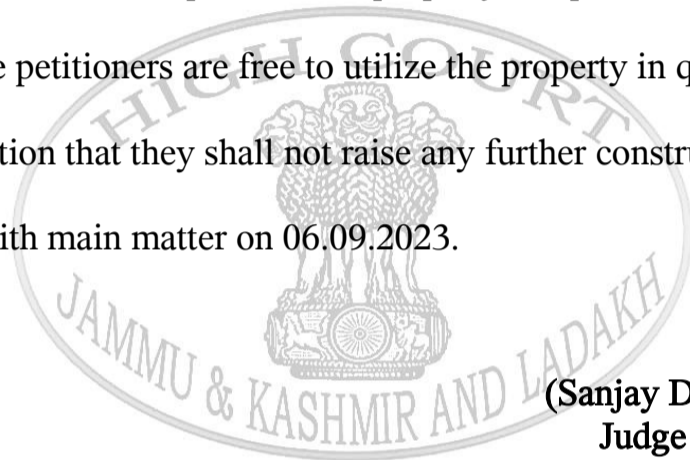
Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

09.08.2023

1. This is an application filed by the petitioners seeking a direction upon respondent No. 4 to allow him to utilize the property which is subject matter of the writ petition. It is contended by learned counsel for the petitioner that the property which is subject matter of the writ petition has been locked by respondent No. 4 after passing of the order dated 04.08.2023, thereby preventing them from utilizing the property in question
2. Issue notice of this application to the respondents.
3. Mr. Illyas Laway, learned GA enters appearance and accepts notice on behalf of the respondents. Learned counsel for the petitioners/applicants shall furnish a copy of the petition to Mr. Illyas Laway, learned GA who may file his objections by next date of hearing.

4. In the meantime, it is clarified that vide order dated 04.08.2023, the parties were directed to maintain status quo as regards the offending construction. So far as the utilization of the property in question by the petitioners is concerned, no restraint order in that regard was passed by this Court. In these circumstances, unless the respondents have passed any sealing order in respect of the property in question in accordance with law, the petitioners are free to utilize the property in question subject to the condition that they shall not raise any further construction thereon.
5. List along with main matter on 06.09.2023.



(Sanjay Dhar)
Judge

SRINAGAR
09.08.2023
"Aasif"