

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKHAT SRINAGAR

WP(C) No. 2354/2023

CM No. 5538/2023

Bashir Ahmad Beigh

...Petitioner(s)

Through: Mr. Arfat Rashid Lone, Advocate

Mr. Basit Makhdoomi, Advocate Court Commissioner

Vs.**J&K Special Tribunal and Ors.**

...Respondent(s)

Through: Mr. Zahoor Ahmad Bhat, Advocate

CORAM:**HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE****ORDER****15.09.2023**

1. Heard learned counsel for the parties, perused the record as also the Commissioner's report appointed by this Court in terms of order dated 11.09.2023.
2. List on 18.10.2023. Meantime objections to the main petition as well for the application for interim relief.
3. In the meanwhile, subject to objections and till next date of hearing, impugned order dated 27.07.2023, passed by J&K Special Tribunal in case titled "*Habib ulah Kuchay and Anr. Vs. Commissioner, SMC, Srinagar*" and impugned order dated 02.08.2023, issued by respondent No.4 shall remain in abeyance.
4. It is however made clear that the staying of the aforesaid impugned orders shall not be deemed to authorize the petitioner to raise construction in question in violation of the permission granted in terms of order No. SMC/2023/1540 dated 06.06.2023.

5. Furthermore, the petitioner shall submit an undertaking before this Court to the extent that in the event the construction raised by him is found to have been raised in violation of the permission granted or that the permission granted to him has been issued by the Municipal Corporation in violation of the Municipal laws, or the petitioner fails in the petition the petitioner shall pull down the construction in question.
6. Meantime objections to the petition as well as to the Commissioners report.

SRINAGAR
15.09.2023
Aadil

