

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

WP(C) No. 776/2026  
CM No. 1760/2026  
CAV No. 825/2026

**Avtar Sethi**

.....Petitioner(s)

Through: Mr. S S Ahmed, Advocate and  
Mr. Vishal Gupta, Advocate

**Vs**

**UT of J&K & Ors**

..... Respondent(s)

Through: Mr. Suneel Malhotra, GA

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER**  
**(01.04.2026)**

- 01.** Heard learned counsel for the petitioner at length and perused the record.
- 02.** Petitioner, through the medium of this petition, seek quashing of Order dated 27.02.2026, whereby the appeals of the petitioner filed under Section 13(1) of the Jammu and Kashmir Control of Building Operations Act, 1988, have been dismissed being illegal, arbitrary, unconstitutional and contrary to the settled principles of law and also seeking quashing of Orders dated 16.10.2023 and 06.11.2023 respectively, passed under Sections 7(1) and 7(3) of the Jammu and Kashmir Control of Building Operations Act, 1988 with a further direction to respondent No.2 to de-seal the building/premises of the petitioner situated at Village Kundrorian, Tehsil Katra, District Reasi which is owned and possessed by the petitioner, as the same has been sealed since 2013 without any notice to the petitioner.
- 03.** Learned counsel for the petitioner submits that the learned Special Tribunal

while disposing of the application has not considered the direction of this Court passed in PIL No.29/2013, providing that no action has to be taken to the constructions raised before the year 2014.

04. Learnd counsel for the petitioner has placed reliance upon an order dated 12.03.2026 passed by a Coordinate Bench of this Court in an identical petition bearing WP(C) No. 652/2026 and he prays that the similar order be passed in the instant petition.
05. With a view to maintain parity, this Court deems it appropriate to grant similar prima facie relief in the instant case as well.
06. Issue notice, which is waived by Mr. Suneel Malhotra, learned GA on behalf of the respondents. He seeks and is granted two weeks time to file response.
07. List this matter along with **WP(C) No. 652/2026 on 13.05.2026.**
08. Meanwhile, subject to objections from other side and till next date of hearing before the Bench, the order impugned dated 27.02.2026 shall remain stayed.

(WASIM SADIQ NARGAL)  
JUDGE

JAMMU  
01.04.2026  
Vijay