

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

OWP No. 1735/2017

Date of Pronouncement : 20.01.2026

Uploaded on : 22.01.2026

Rattan Lal Mahajan

.....Petitioner

Through: Mr. L.K. Sharma, Sr. Advocate with
Mr. Mohit Kumar, Advocate

Vs

State of J&K & Ors.

.....Respondents

Through: Mr. Harshwardhan Gupta, Advocate

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

- 01.** The grievance of the petitioner in the present case is very concise which is that the Jammu and Kashmir Special Tribunal, Jammu, सत्यमेव जयते by virtue of its order dated **28.09.2017 on file No. STJ/60/2016**, has rejected his application seeking impleadment as a respondent in an appeal filed by the respondent No. 5-Rajesh Gupta against demolition **order No. MJ/CEO/46/043/2015** dated **01.04.2016**.
- 02.** The petitioner claims to be neighboring resident of said respondent No. 5, both of whom are residing at the Garden Avenue, Talab Tillo Road, Jammu.

- 03.** The basis on which the petitioner had solicited his impleadment in the appeal was related to the alleged illegal construction of a staircase at the rear side of his house by the respondent No. 5 whereby appropriating the set-back area which is said to be affecting the right of privacy of the petitioner vis-a-vis his own house.
- 04.** The Jammu and Kashmir Special Tribunal, by relying upon the fact that there is no provision in the Jammu and Kashmir Control of Building Operations Act, 1988 providing for impleadment of a person as a respondent in an appeal preferred by an alleged violator against an order of demolition and also in the light of the standpoint of J&K Special Tribunal, Jammu in its Full Bench Judgment, held the petitioner's application not maintainable.
- 05.** The Jammu and Kashmir Special Tribunal, perhaps missed out one salient aspect of the case that the legal course of action against the respondent No. 5's alleged unauthorized construction was initiated at the instance of the petitioner's complaint by the concerned authorities at the end of Municipal Corporation, Jammu and on that basis the petitioner reckoned that he ought to be involved in the adjudication of the appeal to apprise the true state of facts for the J&K Special Tribunal to carry out the adjudication.

06. In the given facts and circumstances of the case, this Court finds that no prejudice would be caused to the case of the respondent No. 5, in the event, the petitioner is allowed to intervene and make submissions from his end in the appeal so preferred by the respondent No. 5-Rajesh Gupta before the J&K Special Tribunal, Jammu.
07. Accordingly, this petition is **allowed** by directing the intervention of the petitioner as a respondent in the appeal only to the limited extent of apprising the J&K Special Tribunal, Jammu, of its true state of facts for adjudicating the appeal of the respondent No. 5 in the light of the law governing the unauthorized constructions under the Jammu and Kashmir Control of Building Operations Act, 1988.
08. The writ petition is accordingly, **disposed of**.
09. The detailed order is following the order dated 24.02.2023 vide which the writ petition was ordered to be allowed as is hereby being done.

(RAHUL BHARTI)
JUDGE

JAMMU
20.01.2026
SUNIL

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No