

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

WP (C) No. 2205/2022

Sudhir Chand Katoch

.....Applicant(s)/Petitioner(s)

Through :- Mr. Pranav Kohli, Sr. Advocate with
Mr. Arun Dev Singh, Advocate

v/s

UT of J & K & Ors.

.....Respondent(s)

Through :- Mr. Raman Sharma, AAG
Mr. Vishal Bharti, Dy. AG
Mr. R K S Thakur, Advocate
Mr. Mayank Gupta, Advocate

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

ORDER

01.05.2025

1. Mr. Kohli, learned Senior counsel appearing on behalf of the petitioner states at Bar that Municipality has stated in their objections that no proposed action under Section 8 (1) of the Control of Building Operations Act, 1988 was taken by the Municipality on account of the fact that status quo orders were passed in some of the litigations before the civil courts. He further submits that as on date, the stay orders passed in the civil suits have been vacated and are not in operation.
2. After hearing learned counsel for the parties for a while, this Court deems it appropriate to direct Mr. Mayank Gupta, learned counsel representing Respondent No. 2 to 6 to place on record the building permission, if any, granted to the Respondent No. 11 or his father. He is also directed to file an affidavit specifying the violations, if any, done by the private respondents for running their nursing home and if at all there is some violation, then what prevented them to

take proposed action under Section 8 (1) of the Control of Building Operations Act, 1988. Let the relevant record of the case pertaining to the private respondents as well as petitioner be produced before this Court on the next date of hearing, positively.

3. Mr. Sharma, learned AAG appearing for Respondent Nos. 9 & 10 is also directed to place on record an additional affidavit to the extent of permission under The Clinical Establishments (Registration and Regulation) Act, 2010, granted to the private respondents and on what basis the provisional registration has been extended in favour of the private respondents till March, 2026. He is also directed to verify whether standards notified by the Central Government in terms of the Section 23 of the Act, have been followed or not.
4. List for continuation on **22.05.2025**.
5. Meanwhile, Municipality is directed to take fresh measurements of the property being owned by the petitioner as well as private respondents and to place the same on record by filing an affidavit, with an advance copy to the other side.

(Moksha Khajuria Kazmi)
Judge

JAMMU
01.05.2025
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