

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

OWP No. 122/2002

ADM. Jammu Municipality and  
another

.... Petitioner/Appellant(s)

Through:- Mr. Mayank Gupta, Advocate

V/s

Surat Singh and another

.....Respondent(s)

Through:- Mr. Rahul Pant, Sr. Advocate with  
Mr. Arindham Sharma, Advocate for  
R-1  
Mrs. Monika Kohli, Sr. AAG with  
Ms. Chetna Manhas, Advocate for R-2

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

**ORDER**  
**27.08.2026**

1. In compliance to the order dated 02.07.2026, learned counsel appearing on behalf of the petitioners has filed supplementary affidavit/status report.
2. At this stage, Mr. Rahul Pant, learned senior counsel, submits that the affidavit filed by the respondent No.1 is not in conformity with the directions issued by this Court vide detailed order dated 02.07.2026. It is contended that the affidavit is deficient inasmuch as it does not adequately address the specific directions contained in the aforesaid order. Learned senior counsel, therefore, submits that a fresh affidavit is required to be filed strictly in compliance with the directions issued by this Court vide order dated 02.07.2026.

3. It would be apt to refer to the operative part of the order passed by this Court dated 02.07.2026 with a view to appreciate whether the direction issued by this Court has been implemented by the stakeholders in its letter and spirit or otherwise. For facility of reference, the same is reproduced as under:

*“14. In these circumstances, this Court deems it appropriate to direct the Commissioner, Jammu Municipal Corporation, to file a fresh and comprehensive affidavit responding to the supplementary affidavit filed by respondent No.1 by furnishing the details of the action taken in pursuance of the notices issued to each defaulting establishment, area-wise and in the same manner in which the particulars have been furnished in the supplementary affidavit.*

15. Accordingly, the Commissioner, Jammu Municipal Corporation, shall file a comprehensive affidavit indicating:

- a) The total number of hotels, commercial establishments, coaching institutes and similarly situated buildings functioning within the jurisdiction of the Jammu Municipal Corporation.**
- b) The number of such establishments which have been granted building permission and occupancy/completion certificate in accordance with law.**
- c) The number of establishments found to have raised construction in deviation from, or without, any sanctioned building plan, specifying the nature and extent of such deviations.**
- d) The number of establishments which do not possess the mandatory parking facilities as required under the applicable Building Bye-laws, the Master Plan and other statutory regulations.**
- e) The number of establishments functioning without the requisite Fire Safety Clearance/No Objection Certificate from the competent Fire and Emergency Services Department or whose fire safety installations are deficient.**
- f) Whether periodic inspections are undertaken by the Jammu Municipal Corporation and other competent authorities to ensure compliance with municipal laws, building regulations and fire safety norms, and the mechanism adopted for carrying out such inspections.**
- g) The action already taken against the defaulting establishments, including issuance of notices, sealing, demolition, prosecution, cancellation of permissions or any**

**other coercive measures contemplated under law.**

16. The Commissioner, Jammu Municipal Corporation, shall further place on record a time-bound action plan indicating the measures proposed to be adopted for ensuring compliance with the statutory provisions by all such establishments functioning within its jurisdiction.

17. In the meantime, the Commissioner, Jammu Municipal Corporation, shall undertake a comprehensive survey of all hotels, commercial establishments, coaching institutes and other buildings catering to the public within its jurisdiction and identify those establishments which are:

- (i) Functioning without sanctioned building plans or in violation thereof;**
- (ii) Lacking the mandatory parking facilities prescribed under the applicable laws, Building Bye-laws and other statutory regulations;**
- (iii) Operating without a valid Fire Safety Clearance/No Objection Certificate or having deficient fire safety measures; and**
- (iv) Functioning without any other mandatory statutory permission, licence or clearance required under the applicable laws.**

18. Upon completion of the aforesaid exercise, the Commissioner, Jammu Municipal Corporation, shall issue fresh notices, wherever such notices have not already been issued, to all defaulting establishments calling upon them to explain the violations and rectify the deficiencies within the period prescribed under the relevant statutory provisions. In cases where notices have already been issued on 20.05.2024, the Commissioner shall place on record the action taken in pursuance thereof. Thereafter, appropriate proceedings shall be initiated and concluded strictly in accordance with law against every defaulting establishment, without discrimination, including, wherever warranted, sealing of the premises, demolition of unauthorized constructions, withdrawal of permissions, closure of establishments, prosecution and recovery of penalties or such other action as may be permissible under law.

19. The Commissioner, Jammu Municipal Corporation, shall also coordinate with the Director, Fire and Emergency Services, the Vice Chairman, Jammu Development Authority, the Inspector General of Police (Traffic), and all other concerned departments to ensure effective

*and coordinated enforcement of the statutory requirements governing building regulations, parking norms and fire safety measures.*

*20. The affidavit, as directed hereinabove, shall specifically indicate the timeline within which the entire exercise of survey, identification of defaulting establishments, issuance of notices and consequential action is proposed to be completed”.*

4. Having regard to the urgency expressed by learned counsel appearing on behalf of the respondents, this Court deems it appropriate to adjourn the matter for a period of one week, with a direction to the petitioner to file a fresh and detailed affidavit strictly in conformity with the directions issued by this Court on 02.07.2026. The affidavit shall disclose the steps proposed to be taken/already taken towards implementation of the aforesaid directions against all the defaulters mentioned in earlier directions passed by this Court. The fresh affidavit shall be filed on or before the next date of hearing positively, with an advance copy thereof being furnished to learned counsel appearing for the respondents, failing which, this Court shall be constrained to initiate appropriate coercive proceedings against the Commissioner, Jammu Municipal Corporation, the Director, Fire and Emergency Services, the Vice Chairman, Jammu Development Authority and the Inspector General of Police (Traffic).
5. At this stage, Mr. Rahul Pant, learned senior counsel, has drawn the attention of this Court to the directions issued vide aforesaid order, particularly the operative portion thereof, whereby the Commissioner, Jammu Municipal Corporation, was directed to coordinate with the Director, Fire and Emergency Services, the Vice Chairman, Jammu

Development Authority, the Inspector General of Police (Traffic) and all other concerned departments, so as to ensure effective and coordinate enforcement of the statutory requirements governing building regulations, parking norms and fire safety measures.

6. It has further been submitted that the affidavit directed to be filed by the Commissioner, Jammu Municipal Corporation was also required to specify the timeline within which the entire exercise, including survey, identification of defaulting establishments, issuance of notices and consequential action, was proposed to be completed. In the aforesaid backdrop, the Commissioner, Jammu Municipal Corporation, was required to file an affidavit in coordination with the aforesaid departments. However, according to learned counsel appearing on behalf of the respondents, the affidavit so filed is deficient and does not adequately address the specific directions issued by this Court as noticed hereinabove.

7. Today, when the matter was taken up for consideration, this Court deem it appropriate to direct Mrs. Monika Kohli, learned Sr. AAG and Mr. Adarsh Sharma, learned senior counsel also to cause their appearance in the instant matter, particularly as the affidavit required to be filed by the Commissioner, Jammu Municipal Corporation, was to be prepared in coordination with the Director, Fire and Emergency Services, the Vice Chairman, Jammu Development Authority, the Inspector General of Police (Traffic) and all other concerned departments.

8. Accordingly, in the peculiar facts and circumstances of the case, Mrs. Monika Kohli, learned Sr. AAG and Mr. Adarsh Sharma, learned senior counsel are also directed to appear before this Court on the next date of hearing with a view to apprise this Court regarding the effective implementation of the directions issued vide order dated 02.07.2026 and the steps taken by the concerned departments in furtherance thereof.
9. List this matter on **03.09.2026**, as case No.1, in the cause list.
10. Let a better and comprehensive affidavit be filed strictly in conformity with the directions contained in the order dated 02.07.2026, specifically indicating the steps taken/proposed to be taken and the timeline for completion of the exercise contemplated therein. An advance copy of the affidavit shall be furnished to learned counsel appearing for the respondents before the next date of hearing.
11. Registry is directed to forward copy of this order forthwith to the Commissioner, Jammu Municipal Corporation, the Director, Fire and Emergency Services, the Vice Chairman, Jammu Development Authority and the Inspector General of Police (Traffic) for its compliance.

**(WASIM SADIQ NARGAL)**  
**JUDGE**

**Jammu**  
27.08.2026  
Mahavir