

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

WP(C) No. 2576/2022
CM No. 7104/2022

Kuldeep Kumar

.....Appellant(s)/Petitioner(s)

Through: Mr. Pawan Bandral, Advocate

vs

Jammu Development Authority Jammu
and ors.

..... Respondent(s)

Through: Mr. Adarsh Sharma, Advocate

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

1. The grievance projected by the petitioner in this writ petition is that respondent No. 3 be directed to permit the petitioner to reply to the show cause notice dated 31.10.2022 issued under section 4 sub section (1) and (2) of the Jammu and Kashmir Public Premises (eviction of unauthorized occupants) Act, 1988 with a further direction for restraining the respondents to take any coercive action against the petitioner pursuant to notice mentioned above.
2. It is stated that the petitioner is an old man and is suffering from health complications. On 23.11.2022, he came to know that respondent No. 3 has issued a show cause notice under the Act (supra), by virtue of which, the petitioner was called upon to appear before him in person or through an authorized representative along with evidence on 07.11.2022. It is also stated that when the petitioner received the show cause notice through someone else, due date to respond to the said show cause notice had already expired.

3. In nutshell, the grievance of the petitioner is that he be permitted to respond to the show cause notice issued under section 4 sub section (1) and (2) of the Act supra and further, the respondents be directed to consider the same.
4. Notice to the respondents.
5. Mr. Adarsh Sharma, Advocate waives notice on behalf of the respondents.
6. Mr. Sharma submits that the respondents would proceed in accordance with law.
7. This Court could have directed the respondents to produce the record to find the veracity of the assertion of the petitioner that notice was received by him after due date but in view of the fact that the controversy lies in the narrow compass, this Court deems it proper to dispose of the present petition at this stage only by directing the petitioner to respond to the said show cause notice within seven days from today and in the event, such response is filed by the petitioner, respondent No. 3 shall consider the response and proceed in accordance with law thereafter.
8. Till the reply is filed by the petitioner and is considered by respondent No. 3, status quo on spot be maintained. In the event, reply is not filed within a period stipulated above, the respondents shall be at liberty to proceed in accordance with law.
9. Disposed of.

(RAJNESH OSWAL)
JUDGE