



**Government of Jammu and Kashmir
Housing & Urban Development Department
Civil Secretariat, Jammu/Srinagar.**

Subject:- Consideration order in terms of Hon'ble High Court order dated 10.01.2018 passed in SWP No. 2238/2017, MP No. 01/2017 titled Residents of Alamdar Bagh Colony V/s State and Ors.

Government Order No: 329 - HUD of 2018

D a t e d: 14 - 12 - 2018

Whereas, the petitioners have filed the above titled writ petition before the Hon'ble High Court at Srinagar and sought the following relief"-

"By issuance of a writ of mandamus the respondents be directed to recognize the colony as Alamdar bagh Colony situated in Tehsil Chadoora and make appropriate entries in Government record.

By issuance of a writ of mandamus the respondents be directed to confer ownership rights to the occupants/petitioners in terms of LB-6 order/Roshni Act and other legislations/policies governing the field and on parity with similarly situated colonies regularized vide Government Order No. 88/2005 dated 18.03.2005 passed by respondent No. 1. The petitioners be granted ownership benefits with all consequential benefits accordingly.

By issuance of a writ of mandamus the respondents be directed to provide all civic facilities like drainage, regular water and electric supply, hospital etc in the such recognized Alamdar Bagh Colony, Chadoora.

By issuance of a writ of mandamus the respondent be directed to convert the 84 kanal of land used as Nursery by Horticulture Department as a public park with all facilities, as same shall be in the interest of justice.

Whereas, the Alamdar Bagh Colony Gopalpora, Chadoora District Budgam has not been developed by the Housing & Urban Development Department, the petitioners have developed this private colony on the land belonging to State (Khalsa -Sarkar) unauthorisedly and the Khalsa Sarkar Land is owned and managed by Revenue Department.

Whereas, Housing & Urban Development Department, does not deal with the Roshni Act and any action under this Act cannot be expected from the Housing & Urban Development Department, hence no violation as alleged by the petitioners has been committed by the Housing & Urban Development Department.

Whereas, the Housing & Urban Development Department regularizes only those colonies which have been approved by them after following due procedure of law. The Hon'ble Division Bench at Jammu in PIL No. 19/2011 titled Prof. S.K Bhalla V/s State and others, CMP No. 857/2013 vide order dated 17.12.2014 as under:-

“In the meanwhile regularization of illegal construction is stayed, if any regularization is to be undertaken, then permission of the Court must be obtained first.”

Whereas, the land measuring 84 Kanals pertains to Horticulture Department which is being used as nursery. The Housing & Urban Development Department has no authority over the land and cannot consider the above said land for conversion at public park.

Whereas, the Alamadar Colony Gopalpora neither falls in the jurisdiction of Srinagar Municipal Corporation nor Municipal Committee

Chadoora, it has purely rural character. The Housing & Urban Development Department has no proposal to extend civic facilities at this juncture given the fact that civic amenities in approved areas are yet to be provided at many places due to paucity of funds..

Now, therefore, in compliance of the Hon'ble High Court order dated: 10.01.2018, the case of the petitioners has been examined and was found devoid of any merit, hence rejected.


By Order of the Government of Jammu and Kashmir.

Sd/-
(K. B. Agarwal) IAS,
**Financial Commissioner to Government
Housing & Urban Dev. Department**

No:- HUD/Lit/120/2018/DULBK
Copy to the:-

Dated:-14 .12.2018

1. Director Urban Local Bodies, Kashmir for information.
2. OSD to Advisor (S) for information of the Advisor.
3. Senior Law Officer, H&UDD for information with the direction to file statement of facts through Asifa Padroo, Ld. AAG, Srinagar.
4. Pvt. Secretary to Chief Secretary for information of the Chief Secretary.
5. Private Secretary to Financial Commissioner Housing & Urban Development Department for information of Financial Commissioner.
6. Private Secretary to Secretary Housing & Urban Development Department for information of Secretary.
7. Incharge Website.
8. Government order file/Stock file.


(Syed Nazir Ahmad)
Under Secretary to Government
Housing & Urban Development Department
Ans
14/12