

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
(Office of the Registrar Judicial, Srinagar)

WP(C) No.692/2023

Inhabitants of Village Bategam Kupwara through
Habibillah Malik S/o Gh.Mohammad Malik R/o Bategam,Kupwara.

V/s

UT of J&K and Ors

Notice under Order 1 Rule 8 CPC

Whereas, one Habibullah Malik Aged 55 Years S/o Ghulam Mohammad Malik R/o Bategam Kupwara has filed the above titled writ petition on behalf of the Inhabitants of Village Bategam Kupwara through his counsel Advocate M.A.Wani, on the grounds that he and all the Inhabitants of Village Bategam Kupwara have common interest in the subject matter of the writ petition; that they are aggrieved of a Communicaton bearing No.DCK/LAS/2023/439-41 dated 17.03.2023 issued by the respondent no.6 Executive Officer, Municipal Council Kupwara in terms of which, respondent no.3 Director Urban Local Bodies Kashmir, Srinagar has been requested to place a proper indent before the Deputy Commissioner Kupwara for acquisition of the state land(Kahcharie) falling under Survey Nos.168,198,2020,200,201,205,184 & 199 measuring 16 Kanals situated at Village bategam Kupwara for establishment of Solid Waste Management/Garbage Dumping Site at Village Bategam for Municipal Council, Kupwara; that the aforesaid chunk of land is being used by them for grazing their cattle and other livestock which is the main source of their income and that the matter was brought to the notice of the authorities, however they were unheeded which constrained them to approach the Hon'ble Court for redressal of their grievances.

The petitioners have sought the following reliefs:-

1. *Writ of certiorari:- quashing the communication bearing no.DCK/LAS/2023/439-41 Dated 17.03.203.*
2. *Writ of quo-warranto- respondents be asked to explain as to under what provision of law and what prompted them to identify the Kahchaie Land for the establishment of Solid Waste Management Plan/Garbage Dumping site.*
3. *Writ of mandamus:- commanding upon the respondents to shift the proposed Solid Waste Management Plant/Garbage Dumping site from the locality of the petitioner i.e;Village Bategam.*
4. *Writ of mandamus :-commanding upon the respondents to follow the pollution control act and rules strictly and the respondents may be penalized for violating the rules and guideliens laid down in this behalf.*

Whereas, the Hon'ble Court, upon hearing the above titled matter on 31.03.2023, has been pleased to direct for issuance of notice under Order 1 Rule 8 CPC, for publication in two leading newspapers having wide circulation.

Now, therefore, in compliance to the Hon'ble Court Order Dated (Supra), this publication notice under Order 1 Rule 8 CPC, is hereby issued calling upon Inhabitants of Village Bategam Kupwara, to file their /his/her objections, if any, in the above titled matter.

Take note the matter is listed on 04-05-2023

Sd/-

Registrar Judicial,
Srinagar.

Forwarded to Editors 1. " Rising Kashmir & Tameel-e-Irshad "for publication. the title of the writ petition shall come in full. Publication charges be obtained from the petitioners.

2. CPC(E-Courts) High Court of J&K and Ladakh, Jammu for uploading the notice on the official website of High Court of J&K and Ladakh.

NO. 11000

17/04/23

Registrar Judicial
High Court of J&K and Ladakh
Registrar Judicial,
Srinagar.

RECORDED BY
31 MAR 2023
COURT OF J&K & LADAKH AT SRINAGAR

4
(4-16)

BEFORE THE HON'BLE HIGH COURT OF JAMMU AND KASHMIR AND LADAKH (UNION TERRITORY) AT SRINAGAR

Pet. Under Art. 226 Constitution of India
matter pertains to District Kupwara WP (C) No. 692 /2023

IN THE CASE OF:-

Inhabitants of village Batergam Kupwara through:

Habibullah Malik (Aged 55 years)
S/o Ghulam Mohamamd Malik
R/o Batergam Kupwara

(Petitioner.....)

VERSUS

Presented By/For
Mr. M. A. Wani
Advocate

on 09.03.23
My

Deputy Registrar
High Court of J&K and Ladakh
Srinagar

Union Territory of J&K through:

1. Commissioner Secretary to Government Urban Development Department Civil Secretariat Jammu/ Srinagar.
2. Commissioner Secretary to Government Revenue Department Civil Secretariat Jammu/ Srinagar.
3. Director Urban Local Bodies Kashmir, Srinagar.
4. Regional Director Pollution Control Board Kashmir, Srinagar.
5. Deputy Commissioner, Kupwara.
6. Assistant Commissioner, Revenue, Kupwara.
7. Divisional Officer, Pollution Control Board, Kupwara.
8. Chairman District Pollution Control Board, Kupwara.
9. Executive Officer, Municipal Council Kupwara.

Handwritten signature

Handwritten mark

(Respondents.....)

High Court of J&K and Ladakh
Srinagar
14/03/23

Handwritten signature