



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

Subject: Appointment of Inquiry Officer.

Government Order No. **96** -JK(HUD) of 2023

Dated: **20** -06-2023

In terms of Section 26 of the Jammu and Kashmir Municipal Act, 2000, sanction is hereby accorded to the appointment of Mr. Haris Ahmad Handoo, JKAS, Vice Chairman, Srinagar Development Authority as the Inquiry Officer to enquire into the matter of alleged misconduct of President, Municipal Committee, Yaripora namely Mr. Mohd Yousuf Khan for abusing official powers, after affording an opportunity of being heard to the President concerned, as a principle of natural justice.

It is further ordered that Mr Mohd Rafeeq Bhat, JKAS Deputy Director, Urban Local Bodies, Kashmir shall be the Presenting Officer in the case.

The Inquiry Officer shall submit the enquiry report, within a period of 10 days from the date of issuance of the order.

By order of the Government of Jammu and Kashmir.

Sd/-

(Prashant Goyal)

Principal Secretary to the Government,
Housing and Urban Development Department

No: HUD-LSG0ULBK/34/2023 (C.No.7147011)

Dated: **20**.06.2023

Copy to the:

1. Joint Secretary, (Jammu and Kashmir and Ladkha) Ministry of Home Affairs, Government of India.
2. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
3. Director, Urban Local Bodies, Kashmir.
4. Mr. Haris Ahmad Handoo, JKAS, Vice Chairman, Srinagar Development Authority (**Inquiry Officer**).
5. Deputy Director, Urban local Bodies, Kashmir (**Presenting Officer**).
6. Private Secretary to Principal Secretary to the Government, Housing & Urban Development Department.
7. Mr. Mohd Yousuf Khan, President, Municipal Committee, Yaripora.
8. Incharge Website, Housing & Urban Development Department.
9. Government orders file/Stock file.

(Thannaji Bhat)

y Under Secretary to the Government

20.06.2023

Government of Union Territory of Jammu and Kashmir
Directorate of Urban Local Bodies Kashmir**The Under Secretary to the Government,**
Housing and Urban Development Department,
Jammu / Srinagar.

No. DULB/G/1178/2022/ 95438

Dated: 30/12/2022

**Subject:- Representation of Miss Haseena Akhter D/o Ab. Gani Ganie R/o
Yaripora Kulgam regarding of illegal construction etc.**

Sir,

Kindly refer to above subject. In this connection, it is submitted that a representation was received by this office from Miss Haseena Akhter D/o Ab. Gani Ganie R/o Yaripora Kulgam regarding allegations of illegal construction, which was verified from the Executive Officer Municipal Committee Yaripora. The Executive Officer municipal Committee Yaripora vide No. MC/YRP/2022-23/1200 dated: 06.09.2022, has reported that one Mohd Akber Wagay Adopted S/o Late Sonallah Ganie had applied for issuance of building permission through offline mode with regard to construction of Ground Floor of his residential house. Subsequently, after fulfillment of necessary codal formalities permission to the applicant for said construction has been accorded vide MC Order No. MC/YRP/BP/549-54 dated: 01.07.2022, and the applicant constructed the ground Floor of residential house.

Besides, Mohd Akber Wagay Adopted S/o Late Sonallah Ganie has again applied for issuance of building permission through online mode vide Application No. Yaripora/2021/10 dated: 18.10.2021, for construction of 1st Floor over existing Ground Floor and NOC's were granted by all concerned departments except Town Planning Organization. The Town Planning Organization has rejected the case on the pretext that ground Floor of the residential house has been constructed without maintaining proper setbacks. However, the above named person started construction of 1st Floor.

In order to stop the un-authorized construction, MC Yaripora issued notice to the said defaulter vide No. MC/YRP/Notice/144-50 dated: 10.11.2021, and stopped further construction work. Later on, the said person again resumed the construction work and again MC Yaripora stopped the work and issued notice to the defaulter vide No. MC/YRP/2022-23/103137 dated; 22.03.2022, with the directions to stop construction work and if further carried on, the same shall be demolished at the risk and cost of the defaulter.

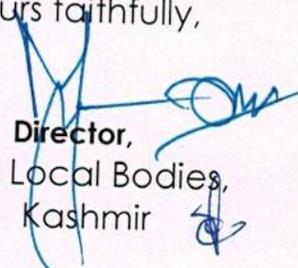
Later, Executive Officer Municipal Committee vide No. MC/YRP/2022-23/1132-38 dated: 31.08.2022, has issued order for demolition of the said structure raised un-authorizedly and before order was implemented, the defaulter approached Court of Principal District Judge Kulgam, which granted interim relief to the applicant and placed orders of demolition in abeyance till next date of hearing.

Subsequently, the Executive Officer Municipal Committee Yaripora vide this office letter No. DULB/G/1178/2022/3375 dated: 19.09.2022, was asked to contest the case vigorously in court of Law and pin point Officials /Officer for negligence / dereliction of duties in the matter. Accordingly, the Executive Officer Municipal Committee Yaripora vide No. MC/YRP/2022-23/1332 dated: 26.09.2022, has reported that the statements of facts has been submitted to the standing counsel of MC to contest the case vigorously before the Hon'ble Court of Principal District Judge Kulgam. Further, in respect of negligence /dereliction of duties in the instant matter the then Executive Officer has been prematurely retired from the services by the Government vide Order No. 364-Jk(GAD) of 2022 dated: 31.03.2022, issued under endorsement No. GAD-VIGOADM/70 /2021-09-GAD dated: 31.03.2022 and as per records of MC reveals that the charge of Khilafwarzi section / Enforcement Wing was assigned to Shri Mushtaq Ahmad Wani, Sampler by virtue of order No. MC/YRP/201-22 dated: 29.09.2021.

It may be pertinent to mention here that facts have revealed that the Building Permission has been granted by the President Municipal Committee namely Mohd Yousuf Khan, which is beyond his role and competence. The Executive Officer Municipal Committee Yaripora vide this office letter No. DULB/G/1178/2022/36249 dated; 17.10.2022, was asked to explain why the President Municipal Committee has issued building permission and furnish particulars of Officilas who processed the file for building permission in the instant case.

In view of non adherence of the procedure / guidelines governing the subject and issuance of building permission by President MC Yaripora, an enquiry may kindly be got conducted in the matter.

Yours faithfully,


Director,
Urban Local Bodies,
Kashmir