

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(D) 10/2026
CM(1271/2026)

MUSHTAQ AHMAD JAN AND OTHERS ...Petitioner(s)/appellant(s)

Through: Mr. Imtiyaz Ahmad, Advocate

Vs.

MOHD AIJAZ ASAD AND OTHERS ...Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Alla ud din Ganai, AAC

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAVED IQBAL, JUDGE



1. Petitioners happen to be the heirs of late Namdaar Jan, who owned a land measuring 8 Kanal 13 Marla situated at Muslimabad, Bandipora. The actual physical possession of the subject property was obtained by the respondent authorities prior to 1958/59 for constructing a Block Development Office.

2. It is not in dispute that neither any acquisition proceedings were ever initiated to acquire the subject property, nor the petitioners were awarded any compensation. The Coordinate Bench, while allowing the appeal preferred by the petitioners, vide order and judgment dated 11.07.2025, had observed:

“In view of aforesaid discussion, this appeal is allowed and the impugned judgment passed by the Writ Court is set-aside. A direction is given to the respondents to immediately and forthwith initiate the process of acquisition in accordance with 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the "Act of 2013") and determine the compensation payable to the owners of the subject land under possession of the Rural Development Department of the Government of J&K.

The process shall be initiated within a period of four weeks from the date a copy of this judgment is served upon the respondents and shall be concluded as per the timeline given in the Act of 2013.”

3. Learned counsel for the petitioners submits that apparently the land owned by them has been usurped by the authorities for they continue to be in illegal and unauthorized possession. And even though more than six months have gone by, the authorities have failed to comply with the judgment dated 11.07.2025. Thus, he asserts that there is a deliberate/willful defiance of the decision rendered by this Court and, therefore, the respondents being guilty are liable to be proceeded against the Contempt of Courts Act.

4. Notice.

5. Ms. Maha Majeed, learned Counsel accepts notice on behalf of the respondents. She prays for a short accommodation to seek instructions and to submit response.

6. List on 25.03.2026, higher App.

**(JAVED IQBAL WANI)
JUDGE**

**(ARUN PALLI)
CHIEF JUSTICE**

**JAMMU
23-03-2026**

Aadil