

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

CCP(S) 237/2023 in
[OWP 238/2007]

ABDUL QAYOOM SHEIKH

...Petitioner

Through: Mr. Tasaduq H. Khawaja, Sr. Adv with
Mr. Ab Imaam Moiz, Adv
Mr. H. S. Ishtiyag, Adv.

Vs.

KUMAR RAJEEV RANJAN AND OTHERS

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG
Mr. Ilyas Laway, GA.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER (ORAL)

09.03.2026

1. The instant contempt petition came up for consideration today in furtherance of order dated 04-03-2026 and Mr. Qadri, Sr. AAG appearing counsel for the respondents/contemnors invited the attention of this Court to the compliance report dated 06-03-2026 and would submit that the matter of implementation of the judgment in question stand narrowed down in view of the opinion of the Law Department dated 05.03.2026 obtained by the respondent/contemnor 1 which reads as under

“Returned: Department is advised to proceed in accordance with the law relating to acquisition of land including private negotiations and as per the stand of the department taken before Hon’ble Court from time to time”

Mr. Mohsin Qadri, would further refer to the said compliance report and would submit that the said advice of the Law Department stands forwarded on 06.03.2026 to the Financial Commissioner Revenue with a copy to the Divisional Commissioner Kashmir, and the Deputy Commissioner, Ganderbal, for further necessary action and that as such nothing is pending before the Respondent 1 and that necessary action in regard to the implementation of the judgment is to be taken by field officers of the Administrative Department as per relevant norms and rules.

2. On the contrary Mr. Khawaja, appearing counsel for the petitioner would submit that in view of the opinion of the Law Department dated 05.03.2026 furnished to the respondents/contemnors, the respondent/contemnor 1 is bound to implement the judgment strictly in tune with the said advice and the judgement in question which requires the respondents/contemnors to make payment of due compensation to the land owners including the petitioner herein after securing requisite administrative approval for the amount of compensation agreed upon during private negotiations (PNC).

Mr. Khawaja, would further submit that respondent/contemnor in the compliance report dated 06.03.2026, in fact is abdicating his duty to accord necessary approval for release of the said compensation in favour of the petitioner determined in the private negotiations and has unnecessarily tried to shift the burden in this regard upon his field officers including the concerned Collector.

3. The Collector-Respondent/contemnor namely Mr. Nazir Ahmad Bhat is present in the Court and would also submit that necessary approval

is awaiting from the respondent/contemnor 1 and would, as such, seek some time for obtaining the said approval.

4. Be that as it may, it is a fact that the Respondents have till date failed to comply with the judgement without any justified reasons, as such, ends of justice would demand passing of appropriate orders in the matter.
5. Accordingly, the Respondents are directed to deposit the amount of compensation determined in the private negotiations with the petitioner before this Court on or before the next date of hearing.
6. It is further directed that the Collector as well as respondent/contemnor 1 is directed to remain present either physically or through virtual mode on the next date of hearing, in case the approval as is being sought by the Collector is not accorded before next date of hearing.
7. List the matter for continuation on 11.03.2026.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

09.03.2026

Sarvar