

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

RP No. 55/2025 in
WP (C) No. 1116/2020
CM No. 4149/2025.

UNION TERRITORY OF JK AND ORS.

...Petitioner (s)

Through: Mr. Illyas Nazir Laway, GA

VERSUS

UMAR SHABAN DAR AND ORS.

Through: Mr. Arif Sikandar, Advocate.

...Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

08-05-2026

01. The present Review Petition has been filed by the Intending Department, PMGSY Kashmir, seeking review of order dated 18th of August, 2022, passed by this Court, whereby the Writ petition filed by the respondents (*hereinafter referred as "Writ Petitioners"*) has been disposed of with a direction to the Collector to initiate fresh proceedings for acquisition of land in accordance with law and to pay damage/rental compensation for use and occupation of the land situated at Sultanpora, Bijbehara, from the date of taking possession till fresh acquisition proceeding are initiated or to restore the aforesaid land to the Writ Petitioners. The Collector/Deputy Commissioner, Anantnag, was further directed to workout the damages/rental compensation in accordance with law within a

period of three months and to make payment to the Writ Petitioners within a further period of two months.

02. The main ground that has been urged by the Review Petitioners for assailing the aforesaid order under review is that they were not impleaded as parties to the writ petition and, being the Intending Department, they were necessary parties to the proceedings. It has been contended that, in fact, the land in question had already been acquired and compensation had been paid after holding private negotiations with the landowners. It has been submitted that if the review petitioners had been arrayed as parties before the Writ Court, these facts would have been brought to the notice of the Court, but in their absence, the said facts could not be brought to the notice of the Writ Court, which led to the passing of Order dated 18th of August, 2022.

03. Learned counsel for the respondents has strongly refuted the contention of the review petitioners that compensation has been paid to the writ petitioners. It has been contended that after issuance of Notification under Section 4 of the Land Acquisition Act, no further proceedings were undertaken by the Collector. It has further been submitted that declaration under Section 6 of the Act was never issued and, therefore, there is no question of holding any private negotiations by the landowners with the Intending Department, or with the Collector.

04. Without going into the merits and the veracity of the stand of the review petitioners that they had entered into private negotiations with the landowners and they had deposited the compensation amount with the Collectorate, which in turn was paid to the landowners, one thing is clear to us

that the review petitioners were not impleaded as parties to the Writ petition. Being the Intending Department, they had a right to participate in the proceedings before the Writ Court and they are necessary parties to the lis without whose presence, the controversy involved in the Writ petition could not have been finally determined. On this ground alone, we are of the considered opinion that the order under review deserves to be recalled so as to afford the review petitioners an opportunity to present their case before the Writ Court.

05. In view of the above, the instant Review Petition is **allowed** and order dated 18th of August, 2022, passed by this Court is recalled. The Writ petition is restored to its original position. The review petitioner Nos. 5, 6 and 9 are impleaded as respondent Nos. 7, 8 and 9 to the Writ petition. Amended memo of parties shall be filed by the Writ petitioners within a period of two weeks. The newly added respondent Nos. 7, 8 and 9 shall file their reply to the Writ petition by the next date of hearing before the Writ Court. The Registry is directed to list the Writ petition before the learned roster Bench on 3rd of July, 2026.

06. Having regard to the fact that the issue involved in the present case pertains to compensation relating to land acquired from small landowners, we request the learned Writ Court to expedite the decision of the case, preferably within a period of three months from the date the matter is listed before the said Court.

(Wasim Sadiq Nargal)
Judge

(Sanjay Dhar)
Judge

SRINAGAR
08-05-2026
Showkat Khan