

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 81/2022

Roshan Lal

.....Appellant(s)/Petitioner(s)

Through: Mr. Ankur Sharma, |Advocate

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG
Ms. Priyanka Bhat, Advocate

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER
31.08.2024

1. In the present petition filed under Article 226 of the Constitution, the petitioner herein has claimed that his proprietary land covered under Khasra Nos. 469, 472 and 473 situated at village Harsath, Tehsil Ghagwal came to be taken over by the respondents for construction of a link road connecting Ghagwal to Lalia Chak via Raghu Chak in the year 1990 without following the procedure prescribed by law in the matter of acquisition of the property for the public purpose. It is being further averred in the petition that even though the respondents undertook acquisition proceedings in respect of land of the adjoining owners of the petitioner and even paid compensation to them, yet the petitioner was not paid such compensation.

2. While making his submissions, learned counsel for the petitioner invited attention of this Court to the reply filed by the respondent 3 herein

and would point out that the respondent 3 has admitted in his reply that the land covered under survey Nos. 469, 472 and 473 situated at village Harsath, Tehsil Ghagwal though utilized by the respondents for construction of the road, yet the same has not been acquired under the Land Acquisition Act and even no indent for the said land has been placed by the Indenting Department being Public Works Department.

Having regard to the aforesaid position obtaining in the matter, Chief Engineer PWD (R&B), Jammu is impleaded as party respondent in the petition, who shall figure as respondent No. 6 in the petition. Registry to update the index accordingly.

3. At this stage, Mr. Ravinder Gupta, who is present in the Court, enters appearance on behalf of the respondent No. 4 and newly added respondent 6.

4. Before proceeding further in the matter, it is deemed appropriate to provide yet another opportunity to the respondents 4 & 6 (Indenting Department) to proceed in the matter without any further delay, preferably within a period of one week from today, failing which this Court shall be constrained to take coercive measures against the said respondents.

7. List for further consideration on 13.09.2024.

(Javed Iqbal Wani)
Judge

Jammu
31.08.2024
Karam Chand Secy.