

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

Case: CCP(S) No.32/2025 in
WP(C) No.1254/2022

Bhushan Lal and others

..... Petitioner(s)

Through :- Mr. Swarn Kishore Singh, Advocate vice
Mr. Dheraj Singh Katoch, Advocate

Vs

Bhupinder Kumar and others

.....Respondent(s)

Through :- Mr. Ravinder Gupta, AAG for R-1 to 5.
Ms. Chetna Manhas, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG for R-6 & 7.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

22.09.2025

1. The instant contempt petition arises out of the order/judgment dated 18.10.2024 passed in WP(C) No.1254/2022 along with the clubbed petition decided by common order dated 18.10.2024, by virtue of which following order was passed, which is reproduced as under:-

“In view of the communication of the indenting department through respondent No.2-Chief Engineer Public Works (R&B) Jammu vide his No.CEJ/LA/216-18 dated 18.10.2022 requesting the District Collector to initiate the acquisition proceedings for the land, falling under Pernote-Thalwa Road, to be executed under NABARD by the Public Works Department and the submission by the counsel for the Collector (ACR), Ramban that acquisition proceedings have already been initiated, nothing survives to be adjudicated in both these petitions.

In view of the statement made by the learned counsel for the Collector, these petitions are disposed of with a direction to the respondent-

Collectorate to proceed in the matter in accordance with law, expeditiously, having regard to the timeline provided under the statute.

Both the writ petitions are, accordingly, disposed of, alongwith connected applications.”

2. Since, the aforesaid order was not complied with, the instant contempt petition has been preferred in which, the notice was issued on 10.02.2025.

3. Ms. Chetna Manhas, Assisting Counsel appearing vice Mrs. Monika Kohli, Sr. AAG submits that she has filed compliance report/statement of facts before the Registry today itself and copy of the same has been furnished to this Court, which is taken on record.

4. From a bare perusal of the compliance report, it is apparent that the Collector Land Acquisition (ACR) Ramban vide communication dated 08.03.2025 has requested the Chief Engineer PW(R&B) Department Chenab Zone Batote, either to pass the fresh indent as per the devised formats or communicate to the said office regarding any legal action taken in the matter.

5. Pursuant thereto, the Public Law Officer, Department of PW (R&B) vide communication dated 29.05.2025 has furnished the report regarding the considerable amount already released in favour of the petitioners. From a bare perusal of the aforesaid communication issued by the Public Law Officer, Public Works (R&B) Department to the concerned Deputy Commissioner, Ramban. It is apparently clear that a substantial amount has been deposited by the Indenting Department and out of which a considerable amount has already been released in favour of the petitioners/land owners which fact was

concealed by the petitioners at the time of filing of the writ petition which was disposed of by this Court.

6. Once, the amount has been accepted by the petitioners which fact was concealed by the petitioners while filing the writ petition then the petitioners were estopped under law to claim compensation under the Act of 2013. In addition, the concerned Collector vide communication dated 08.07.2025 has given the details of payment calculated in the apportionment statements attached to the tentative award issued on 24.03.2012 which has been disbursed to the petitioners and the said communication has also been placed on record along with the detail compliance report, a perusal whereof, reveals that the petitioners have received the compensation to the tune of **₹18,41,932/-** as against the **₹34,83,266.05/-** amount calculated in their favour.

7. From a bare perusal of the communication dated 08.07.2025 which has been issued by the Collector Land Acquisition (ACR) Ramban to the Public Law Officer PW(R&B) Department it is an apparently clear that the tentative cost of the land/FBTs/NFBTs involved in the acquisition of land measuring 125 Kanals and 10 Marlas for the construction was calculated and tentative award was issued by the Collectorate vide order dated 24.03.2012 amounting to ₹2,48,30,296.75/-. The further record reveals that the indenting department had already deposited the funds to the tune of ₹63,35,144/- as against the tentatively awarded amount of ₹2,48,30,296.75/- in the said land acquisition case and the same stands disbursed to the land owners, the details of payment calculated in the apportionment statements attached with the tentative award issued on 24.03.2012 which is evident from a bare perusal of the said

communication and thus in the light of the stand taken by the respondents in the compliance report and the relevant record which has been annexed with the said compliance report, this Court is of the opinion that the order/judgment passed by this Court stands complied with in so far as the release of compensation in terms of the tentative award is concerned.

8. Since, the direction passed by this Court was specific to the extent of directing the respondent-Collectorate to proceed in the matter in accordance with law expeditiously having regard to the timeline provided under the statute and the said direction is required to be implemented.

9. Ms. Chetna Manhas, Assisting Counsel appearing vice Mrs. Monika Kohli, Sr. AAG assures the Court that the acquisition proceedings which have commenced will be brought to its logical conclusion and accordingly prays two months further time to implement the order/judgment passed by this Court *in toto*.

10. In the aforesaid backdrop, no fruitful purpose will be served to keep this contempt petition alive, as the order passed by this Court as on date stands complied with partially. In so far as compliance of the judgment in letter and spirit is concerned, the learned counsel for the respondents has extended assurance. Accordingly, in the light of the assurance extended by the learned counsel appearing for the respondents that the acquisition proceedings will be completed within two months from today and the final award be also passed and in the light of the said Award, compensation will be paid to the lawful owners including the petitioners subject to the verification and in accordance

with law, if the same has not been paid already, this Court deems it proper to close the proceedings in the instant petition.

11. It is made clear that, in case if the order passed by this Court in the instant contempt petition is not complied with within the aforesaid period, the petitioner will be at liberty to revive the present contempt petition, and in that eventuality, this Court will be constrained to take coercive measures against the respondents.

12. Accordingly, the proceedings in the instant contempt petition are ***closed***. Rule, if any framed, shall stand discharged.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
22.09.2025
Shammi

