

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

Case: CCP (S) No. 122/2024
In WP(C) No. 1528/2023

Mohan Singh

....Appellant/Petitioner(s)

Through :- Mr. F.A. Natnoo, Advocate.

V/s

Piyush Dhotra Sub Divisional Magistrate
Katra and others

....Respondent(s)

Through :- Mr. S.S. Nanda, Sr. AAG.
Ms. Aparna Gupta, assisting counsel to
Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
17.12.2024

01. The instant contempt has been preferred for compliance of order/judgment dated 22.12.2023 passed by this Court, whereby the writ petition preferred by the petitioner is disposed of with a direction to respondent Nos. 3 to take formal decision of de-notifying the land of the petitioner measuring 01 Kanal, 10 Marlas 01 sarsai under Khasra No. 56 min at Village Kundrorian and to take a formal decision in conformity with the order/judgment passed by this Court dated 05.09.2012 in OWP No. 1556/2010 within a period of six weeks from the date copy of this order along with writ petition and annexures are made available to the respondents.

02. Since the order/judgment has not been complied with and the instant contempt petition has been preferred.

03. I have perused the statement of facts filed by respondent No. 1 wherein, as per the stand taken by respondent No. 1, it has come to fore that the land of the petitioner has been excluded from final award of new bus stand Katra and as on

date, no, new Indent has been received from the Indenting department i.e. KDA (Housing and Urban Development Department) for supplementary acquisition of the left out land of petitioner. Thus, as per the stand of respondent No. 1, the final award of new bus stand Katra stands issued, which is evident from a bare perusal of communication dated 13.04.2023 excluding the land of the petitioner and insofar as the acquisition proceedings in respect of new Bus stand Katra are concerned, the same have been culminated and stand closed.

04. It is also made clear by virtue of stand taken by the respondents that any further supplementary acquisition, if at all, to be carried out based on further Indent for acquisition proceedings for left out land from the indenting department i.e., Katra Development Authority and since no new indent for the supplementary acquisition has been received from Katra Development Authority for left out land, there is no question for acquisition of left out land on the date.

05. Another set of statement of facts have been filed on behalf of respondent No. 2, wherein, a specific stand has been taken by respondent No. 2 that since the petitioner has applied before respondent No. 3 for sanctioning Building Permission/NOC for the construction to be raised by the petitioner on the land measuring 01 kanal 08 marlas falling under Khasra No. 56 situated at Village Kundrorain, Tehsil Katra District Reasi. The respondent No. 3, vide communication dated 03.10.2022 took up the matter with respondent No. 2.

06. As per respondent No. 2, it has been submitted that it has been made clear that NOC for the said land cannot be issued as this portion of land comes under the construction of the approach-Road proposed from Grid Station to Jij Chowk Railway Road. In the aforesaid backdrop, a request was made by respondent No. 2 to conduct demarcation of the said land so that the same can be acquired again for completing the said approach road. It is further submitted that a request has been made to the Revenue Department to acquire the land in question as the

same comes under the proposed alignment and is very much required to be acquired for the construction of approach road from Grid Station to Jij Chowk, Railway Road.

07. From the bare perusal of different stand taken by the respondents, it has come to fore that the order/judgment passed by this Court till date has not been complied with in its letter and spirit and the detailed consideration order in terms of the order/judgment (which has assumed finality), has not been passed.

08. Confronted with same, learned counsel for the respondents seek two weeks' further time to pass a detailed consideration strictly in tune with the order/judgment mentioned (supra)passed by this Court.

09. Let the fresh compliance report be filed on behalf of the respondents along with detailed consideration order in terms of the order/judgment mentioned (supra).

10. Keeping in view the urgency expressed and also in the light of the fact that petitioner is 82 years old, list this matter on **31.12.2024**.

11. Respondent No. 2-Gopal Singh, Chief Executive Officer, Katra Development Authority, Katra and 3-Rajat Abrol, Chief Executive Officer, Municipal Committee, Katra are present before this Court and their personal presence is dispensed with for the time being.

(Wasim Sadiq Nargal)
Judge

Jammu:
17.12.2024
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