

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

**LPAOW No. 13/2018  
CM no. 2151/2020  
IA No. 01/2018  
CM No. 5194/2023**

*Reserved on:- 28.04.2026*

*Pronounced on:- 20.05.2026*

*Uploaded on:- 20.05.2026*

*Whether the operative part or full  
judgment is pronounced:- Full*

1. **Sh. Baj Singh age 77 years S/o Sh. Kundan Singh R/o Village Seera Kotla, Now Tehsil Katra District Reasi.**
  2. **Sh. Kamaljit Singh age 57 Years S/o Sh. Baj Singh R/o BSNL Staff residential quarter No. B-4, Udhampur.**
  3. **Sh. Sanjeet Singh age 54 years S/o Sh. Baj Singh R/o H. No. Canal Raod, Jammu.**
  4. **Sh. Sukhdev Singh age 37 years S/o Baj Singh R/o Village Seera Kotla, Now Tehsil Katra District, Reasi.**
- .....Appellant(s)**

Through:

*Mr. O. P Thakur, Sr. Advocate with  
Mr. R. K. S. Thakur, Advocate &  
Mr. O. S. Bandral, Advocate*

**Versus**

1. **State of Jammu and Kashmir through Chief Secretary, Civil Secretariat, Srinagar.**
2. **Commissioner-cum-Secretary, Revenue Department, Civil Secretariat, Srinagar.**
3. **Collector Land Acquisiton (Mata Vaishno Devi University, Katra), Headquarter, Udhampur.**
4. **Shree Mata Vaishno Devi University having its office Kakriyal, Tehsil Katra District Reasi.**

**.....Respondent(s)**

Through:

*Ms. Monika Kohli, Sr. AAG with  
Ms. Sagira Jaffer, Assisting Counsel for R- 1 to 3  
Mr. Rajnish Raina, Sr. Advocate (through VC) with  
Mr. Rishu Rajeshwar, Advocate &  
Mr. Prabhat Sangotra, Advocate for R-4*

**CORAM:**

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE**

**J U D G M E N T**

Per Oswal 'J'

**01.** Learned senior counsel for the appellants submits that appellant No.1 has expired and is survived by appellants 2 to 4. As such, there is no requirement to bring the legal representatives of the deceased appellant No.1 on record. In view of the above, appellant No.1 is directed to be deleted from the array of appellants. The Registry shall update the cause title of the appeal accordingly.

**02.** The appellants, along with their late father, Baj Singh (deceased appellant No.1), had filed a writ petition, bearing OWP No. 1124/2004, seeking a direction to the respondents to exclude their houses and four shops from the acquisition proceedings, and to restrain the respondents from demolishing them or handing them over to the Shri Mata Vaishno Devi University. Alternatively, the petitioners sought a direction to the respondents to provide 18 Marlas of land to each appellant for constructing their houses, along with one commercial plot each at the proposed colony earmarked for the oustees of villages Seera Kotla and Kakriyal, upon payment of the requisite cost.

03. The appellants sought the aforementioned reliefs on the grounds that they owned separate houses on land falling under Survey No. 128 at Village Seera Kotla, Tehsil and District Udhampur, as well as four adjacent shops under Survey No. 68. They stated that the entire land measuring 11 Kanals under Survey No. 68, along with another parcel measuring 15 Kanals and 9 Marlas under Survey No. 128, had been acquired for Shri Mata Vaishno Devi University.

04. The appellants contended that the respondents had decided to provide 18 Marlas of land to each family whose residential houses were acquired, charging a rate of ₹9,000/- per family for the allotment. The appellants based their claims on the minutes of the meeting of the Executive Council of Shri Mata Vaishno Devi University held on 01.03.2003. Therein, it was resolved that the University would explore the possibility of constructing shops for various planned services and allot them on a lease basis to the evictees. Furthermore, evictees who did not possess alternative residential accommodation in the neighbourhood, or in and around Katra, could be considered for the allotment of residential plots, the size of which would depend on the amount of compensation paid to them.

05. Respondent No. 4 countered the appellants' claim, asserting that the deceased, Baj Singh, owned agricultural land under Survey No. 68, which included four shops. This property was acquired for establishing Shri Mata Vaishno Devi University. At the request of the late Baj Singh, four alternative shops located directly opposite the acquired structures were allotted to the appellants in lieu of the original shops. While Respondent No.

4 admitted there was a proposal to allot 18 Marlas of land to completely displaced persons, it was contended that because only a portion of Baj Singh's land was acquired and full compensation was paid, the deceased was never actually displaced. This is substantiated by the fact that he subsequently constructed a residential house on his remaining land at Village Seera Kotla. Furthermore, no land belonging to the appellants themselves was acquired. Regarding the assertions in paragraph 11 of the writ petition, that the appellants owned separate houses on land under Survey No. 128 at Village Seera Kotla, Udhampur, respondent No. 4 denied knowledge of the same.

**06.** By way of the impugned judgment dated 01.05.2017, the learned Single Judge dismissed the writ petition. The writ court noted that the grievance of the deceased appellant, Baj Singh, stood redressed since four shops had been allotted to him and his three sons (the appellants herein). Furthermore, the court observed that the petitioners had failed to demonstrate the existence of any structure on Survey No. 128 to substantiate their claim.

**07.** Aggrieved by the judgment dated 01.05.2017 rendered by the learned writ court in OWP No. 1124/2004, the appellants have preferred this intra-court appeal. They assert that the writ court failed to properly consider their contention that their houses existed on Survey No. 128. They emphasize that while respondent No. 4 merely denied the contents of paragraph 11 of the writ petition for want of knowledge, respondent Nos. 1 to 3 including the Collector Land Acquisition, failed to file an independent reply and simply

adopted respondent No. 4's objections. Furthermore, the appellants urge that respondent No. 4's contention that only entirely landless persons are entitled to rehabilitation plots is factually incorrect and misconceived. They maintain that the acquired land was the ancestral property of the appellants and the deceased appellant, Baj Singh. A copy of the final award, along with details of the compensation paid to the late Baj Singh, has been placed on record.

08. Learned senior counsel for the appellants relied on Serial No. 64 of the final award to establish that the house of the deceased appellant, Baj Singh, was acquired. He argued that pursuant to the Council's resolution, the deceased was entitled to a residential plot as he was left without accommodation. Addressing the respondent's claim regarding alternative land, counsel referred to the deceased's supplementary affidavit, noting that the small parcel under Survey No. 06 in Village Seera Kotla was a kilometer off the Panthal/Jhagger Kotli road and unfit for residential use; the deceased only built a structure there out of necessity after his original home was taken. Finally, senior counsel submitted that the appellants forgo their claim for individual 18-Marla allotments for each of them, restricting their relief strictly to the acquired house of the late Baj Singh.

09. *Per contra*, Mr. Rajnish Raina, learned senior counsel for Respondent No. 4, submitted that the deceased appellant, Baj Singh, received due compensation. He argued that the appellants' claim before the writ court regarding owning four houses was incorrect, as the final award shows that only the deceased's property was acquired. Senior Counsel further stated that the Respondent has no objection if the Collector/SDM, Katra, is directed

to verify whether the deceased's house was among the acquired properties. Upon confirmation of the acquisition, the eligibility of the late Baj Singh for the allotment of a residential plot, pursuant to the Executive Council's resolution, will be evaluated, and appropriate orders will be passed expeditiously.

**10. Heard learned counsel appearing for the parties and perused the record.**

**11.** The sole issue for consideration is the appellants' claim, as the legal heirs of the deceased Baj Singh, to the allotment of a residential plot. The appellants contend that because the late Baj Singh's only residential house was acquired for Shri Mata Vaishno Devi University, they being the legal heirs of late Baj Singh are entitled to one residential plot under the rules and schemes formulated by the University's Executive Council.

**12.** The final award establishes that the deceased appellant, Baj Singh, owned the acquired house. However, whether he met the eligibility criteria for an 18-Marla plot under the University's resolution is a question of fact that must be decided by the respondents following a detailed examination of the record.

**13.** Learned Writ Court has not examined the issue with regard to acquisition of house, though the learned Writ is correct in observing that the appellants have failed to demonstrate the existence of structure in Survey No. 128 as pleaded by the appellants.

**14.** Without being influenced by any observations made herein regarding the acquisition of the late Baj Singh's house, we dispose of this appeal by modifying the impugned judgment. The Collector, Land Acquisition, Katra, is directed to verify whether a house belonging to the deceased appellant was acquired for Shri Mata Vaishno Devi University, and to identify its specific Survey Number.

**15.** The Collector shall also assess whether the deceased met the criteria under the Executive Council's resolution for a residential plot, ignoring the fact that he later built a structure on Survey No. 06 in Village Seera Kotla out of necessity. Should the Collector hold that the deceased appellant was eligible, the respondents are directed to allot one residential plot to the appellants pursuant to the governing rules and rehabilitation scheme. The respondents are directed to complete this entire exercise within three months from receiving a copy of this order.

**16.** Disposed of along with all connected CM(s).

**(RAJNESH OSWAL)**  
**JUDGE**

**(ARUN PALLI)**  
**CHIEF JUSTICE**

**Srinagar**

20.05.2026

"Mohammad Yasin Dar"

*Whether the Judgment is reportable: No.*