

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

WP(C) No.1227/2026

**Jameet Singh and others**

.....Petitioner(s)

Through: Mr. K. L. Pandita, Advocate with  
Mr. Imran Rather, Advocate

**Vs**

**Union Territory of J&K and others**

..... Respondent(s)

Through: Mr. Raman Sharma, AAG with  
Ms. Shaliqa Sheikh, Advocate for R-1, 2 & 4.  
Mrs. Monika Kohli, Sr. AAG for R-3, 5 & 6.

**Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE**

**ORDER**  
**04.05.2026**

1. Mr. Raman Sharma, learned AAG appears and accepts notice in the matter for the respondent Nos.1, 2 & 4.
2. Mr. Anuj Datta, Advocate appearing vice Mrs. Monika Kohli, Sr. AAG accepts notice in the matter for the respondent Nos.3, 5 & 6.
3. Heard the learned counsel for the petitioners in respect of the matter.
4. The grievance of the petitioners as projected through the medium of the instant petition is that they are the absolute owners in possession of the land falling under Khasra Nos.102 measuring 06 Marlas, 103 measuring 12 Marlas and 383 measuring 07 Marlas situated at Village Khawas, Tehsil Khawas, District Rajouri (*hereinafter referred to as the "subject land"*). That the subject land is their ancestral proprietary land which has been inherited by them from their predecessor-in-interest. That the subject land is distinct and separate from the land acquired by the government through School Education Department and has never been notified or acquired under any acquisition proceedings at any

point of time. That in the year 1995, the Government of Jammu and Kashmir initiated land acquisition proceedings for establishment of High School Khawas and pursuant thereto land measuring 10 Kanals and 09 Marlas falling under Khasra Nos.99, 99/1, 100 and 101 came to be acquired by the government. That an award dated 23.03.1995 also came to be passed by the Collector concerned (Assistant Commissioner Revenue), Rajouri thereby finalizing the acquisition proceedings. That after the acquisition of the aforesaid land, the respondent-department took possession of only the acquired land and constructed school buildings thereon. That the institution has since been upgraded and is presently functioning as Government Higher Secondary School, Khawas. That recently after a lapse several decades, the respondents received funds for reconstruction/renovation of the existing school infrastructure on account of the buildings having become old and dilapidated, in connection whereof the existing structures were dismantled on the already acquired land. That taking advantage of the reconstruction activity, the respondents have now without any authority of law started extending the construction beyond the limits of the acquired land by encroaching upon the adjoining land belonging to them. That the illegal action of the respondents became evident when heavy machinery including earthmovers and leveling equipment was brought to the site and their land was forcibly entered upon and is being subjected to leveling operations thereby altering its physical character. That they immediately objected to the said illegal acts and approached the officials of the respondents-department, requesting them to confine the construction strictly within the already acquired land as per award dated 23.03.1995 but they paid no heed to their legitimate objections. That the respondents have been acting in a high-handed and arbitrary manner

and are attempting to appropriate their valuable land without initiating any acquisition proceedings and without payment of compensation in complete disregard of the mandate of law.

**5.** The petitioners have accordingly prayed for issuance of directions/writs, in the nature of:-

- i) Mandamus for commanding upon the respondents to strictly confine their construction activities upon the land already acquired for the matter vide award dated 23.03.1995;
- ii) Prohibition for restraining the respondents from raising any construction or altering the nature of the petitioners land without following due the process of law;
- iii) Prohibition for restraining the respondents from dispossessing the petitioners in any manner from their proprietary land falling under Khasra Nos.102, 103 and 383 situated at Village Khawas, Tehsil Khawas District Rajouri.

**6.** The learned counsel for the respondents, however, submitted that the respondents have been carrying on the construction/renovation activities on the already acquired land falling under Khasra Nos.99, 99/1, 100 & 101 vide award dated 23.03.1995. Learned counsel submitted that in case, the government procures the land of the petitioners at any point of time, then same shall be acquired in accordance with the law.

**7.** In the facts and circumstances of the case having regard to the response of the learned counsel for the respondents made in the open Court, the Court is of the opinion that matter can be disposed of even at this threshold stage by passing of appropriate orders which are not likely to prejudice the interests of the respondents.

8. Accordingly, the instant petition is disposed of at this stage with the direction to the respondents that they shall not interfere with the land of the petitioners falling under Khasra Nos.102 measuring 06 Marals, 103 measuring 12 Marals and 383 measuring 07 marals situated at Village Khawas, Tehsil Khawas District Rajouri.

9. It is needless to mention that the respondents in case of the need of the subject land or any portion thereof can do so only after initiation of the process of acquisition strictly in accordance with the provisions of the acquisition law in force.

10. *Disposed of.*

(Mohd. Yousuf Wani)  
Judge

**Jammu**  
04.05.2026  
Shammi

