

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

WP(C) No. 1247/2025

Mohd Akbar & Anr.

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

Through: Mr. Gagandeep Sharma, Advocate

Vs

UT of J&K & Ors.

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
(26.05.2025)**

- 01.** If the facts of the case are as being reported then surely the same reflect a very sorry state of affairs related to the working of the Public Works Department PWD(R&B), Government of UT of J&K, in the matter of carrying out land acquisition exercises which either held up long in midway or not taken to its logical end leaving the affected land owners run from pillar to post in the matter of seeking compensation of their land intended for acquisition. The present case is specimen of the said sorry state of affairs.
- 02.** The Executive Engineer, PWD (R&B) Special Sub-Division Gandoh, Doda way back in June 2013 seems to have placed an indent with the Collector Land Acquisition (SDM) Gandoh, for acquisition of land for construction of

Bhatyas Jakyas road in village Bhatyas Part-I tehsil Chilly Pingal district Doda, which required 95 kanals and 06 marlas of land to be acquired

- 03.** As against the said indent of 2013, section 4(1) notification under the '**J&K Land Acquisition Act, Svt. 1990**' came to be issued in March 2018 whereupon an exercise led to issuance of a tentative award **No. 501-2/LAC dated 09.10.2019** thereby proposing a total compensation of an amount of Rs. **3,74,24,737/-**.
- 04.** The two petitioners' land is also said to be forming part of the intended acquisition waiting to be taken to logical end. The petitioners' share of compensation has been assessed to be Rs. 17,87,370/-, out of which the petitioners are said to have been paid an amount of Rs. 6,00,000/- (Rs. 2,00,000/- and Rs. 4,00,000/- respectively) in November 2022.
- 05.** Forgetting the rest of the compensation amount released in their favour, the petitioners have been constrained to approach this court with the present writ petition.
- 06.** The petitioner No. 1 is 90 years old aged person as on date. The petitioners have even resorted to putting the respondents on a legal notice for doing the needful but even that has proved to be futile giving the petitioners no

other option except to invoke writ jurisdiction under article 226 of Constitution of India.

07. Issue notice to the respondents.
08. Mr. Nazia Fazal, Assisting Counsel vice Mrs. Monika Kohli, learned Sr. AAG accepts notice on behalf of respondents No. 1 to 3 and Mr. Ravinder Gupta, learned AAG accepts notice on behalf of respondent No. 4- Executive Engineer PWD(R&B) Special Sub-Division Gandoh, Doda.
09. Response to the writ petition be filed within a period of six weeks positively.
10. List again on **25.07.2025**.
11. It is made clear that the Executive Engineer PWD(R&B) Special Sub-Division Gandoh, Doda shall file reply from his own end whereas respondent No. 3-Collector Land Acquisition, (SDM) Gandoh, Doda shall file reply at his own without joining together to come up with a common reply as that always creates confusion even for the court to discern as to who is speaking for and on whose behalf and on what facts.

(RAHUL BHARTI)
JUDGE

JAMMU
26.05.2025
SUNIL