

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

WP(C) No. 1959/2020

Swarna Devi & Ors.

.....Petitioners

Through: Mr. G.S. Thakur, Advocate and
Ms. Veenu Gupta, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through: Ms. Nazia Fazal, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG
Ms. Pallvi Sharma, Assisting Counsel to
Mr. Ravinder Gupta, AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(26.11.2025)

- 01.** In a case where the Government is supposed to speak, the Government officials are no substitute to take a stand. In the present case the petitioners' ownership land is said to have been appropriated for setting up a Government Degree College, Kastigarh, District Doda without any acquisition process but purportedly on the plea that the land was offered as a gift by the land owners to be appropriated for setting up of Government Degree College.
- 02.** The Government Degree College, Kastigarh is said to have come in the year 2020. The respondent No. 1 is Government of UT of J&K represented through Commissioner/Secretary, Higher Education Department.

03. The response to the writ petition has come forward from the end of Deputy Commissioner, Doda, Assistant Commissioner (Revenue), Doda and Tehsildar, Kastigrah, District Doda.
04. The Principal Government Degree College, Kastigarh who is respondent No. 5 has also come forward with response from his own end.
05. At the time of filing of the response, the respondent No. 5-Principal Government Degree College, Kastigarh, District Doda was Surinder Singh. Obviously, before construction of Government Degree College, Kastigarh there was meant to be no Principal of yet to be constructed Government Degree College, Kastigarh and, therefore, from the end of the Government who were the officials who actually went for appropriating the private property/land for the site of Government Degree College is for the Government to state and share with this Court rather than leaving it for the incumbent-Principal Government Degree College, Kastigarh to speak on the facts which are beyond his brief and authority.
06. The College premise is said to be comprised of 60 kanals. Learned counsel for the petitioners submits that the land of the petitioners which has come to be appropriated is measuring 19 kanals comprised in Khasra No. 1218 of village Kastigarh, Tehsil Kastigarh, District Doda.
07. Let the respondent No. 1 come forward with the reply to the writ petition for stating facts in true perspective.
08. List again on **17.12.2025**.
09. In the meantime, the respondent No. 5-Principal Government Degree College, Kastigarh, District Doda is

directed to place on record an affidavit as to whether the college premise has been secured within a boundary wall or not or the College building is without any four-walling/boundary wall.

10. Requisite compliance to be done by the respondent No. 5- Principal Government Degree College, Kastigarh positively, by the next date of hearing, failing which, personal appearance would be solicited.
11. A copy of this order be provided to Ms. Pallavi Sharma, learned Assisting Counsel to Mr. Ravinder Gupta, learned AAG appearing for the respondents No. 1 and 5 for the sake of notice and compliance at the end of the concerned respondents.

JAMMU
26.11.2025
SUNIL



(RAHUL BHARTI)
JUDGE

सत्यमेव जयते