

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2252/2024
CM No. 5491/2024

Rajinder Kumar

.... Petitioner/Appellant(s)

Through:- Mr. M. K. Sharma, Advocate

V/s

Union Territory of J&K & ors.

.....Respondent(s)

Through:- Ms. Nazia Fazal, assisting counsel to
Mr. Amit Gupta, AAG

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

18.09.2024

01. The petitioner has approached this Court seeking a direction to respondent Nos. 2 to 6 from undertaking any further work of construction over the said land without initiating the acquisition process involving the land in question.

02. The petitioner submits that his father – Duni Chand was owner in possession of the land covered under Survey Nos. 1054, Khewat No. 55/52, Khata no. 129/130 measuring 02 Kanals 16 Marlas situated at Billawar, District Kathua, which was taken over by the PHE Department for construction of water testing laboratory cum office which was constructed in the year of 2008-2009.

03. The grievance of the petitioner is that the respondents have taken over the land of the petitioner for construction of PHE building without acquiring the same and without paying any compensation in this regard. Respondent No. 4, it is submitted, vide his letter dated

13.02.2021 had requested the Additional District Development Commissioner to assess the cost of the land to make the payment as the petitioner has applied to payment of compensation and vide letter dated 19.02.2021, Additional District Development Commissioner directed the Tehsildar Billawar to take necessary action and Tehsildar vide letter dated 25.02.2021 assessed the rate of the land as Rs. 82,68,400/- and the same was submitted to the Additional District Development Commissioner vide communication dated 08.03.2021.

04. It appears that respondent No. 4 had requested respondent No. 3 to release the amount so that proper indent along with revenue papers can be submitted to the revenue department to initiate acquisition proceedings. Respondents even though have not taken the land of the petitioner and compensation has not been paid to him nor any process has been initiated for acquiring the land of the petitioner.

05. Notice to the respondents.

06. Ms. Nazia Fazal, assisting counsel to Mr. Amit Gupta, learned AAG accepts notice on behalf of respondents. Objections be filed by or before the next date of hearing.

07. List on 25.10.2024.

(SINDHU SHARMA)
Judge

JAMMU
RAM MURTI/PS
18.09.2024