

Serial No. 13

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

Case:- WP(C) No.2092/2022

Abdul Waheed Bali

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

Through: Mr. Arjun Singh Pathania, Advocate
vice
Mr. Arjun Singh Raju, Advocate

Vs

UT of J&K & Ors.

.....Respondent(s)

Through: Ms. Chetna Manhas, Advocate vice
Ms. Monika Kohli, Sr. AAG
Mr. Vipin Gandotra, Advocate

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(20.08.2025)

1. The petitioner through the medium of the present petition has sought direction upon the respondents to assess the compensation with respect to the land measuring 04 kanals 09 marlas in khasra **No.1436/1102** of Village Sujmatna, Tehsil Ramsoo, District Ramban along with house and fruit-bearing and non-fruit bearing trees existing on the said land, and to release the same in his favour.

2. The stand of the petitioner is that he has absolute possession and ownership of the aforesaid property on which respondent No.3 has started construction of **National Highway 44** from Banihal to Srinagar, as a consequence of which the aforesaid property of the petitioner has come under the alignment of the road. It is being submitted that no compensation has been paid to the petitioner.
3. Vide communication dated **25.06.2019**, respondent No.2 asked respondent No.3 to place indent for acquisition on the aforesaid land so that acquisition proceedings are initiated. However, till date neither the land nor the structure in question has been acquired by the respondents in accordance with law. Even the compensation has not been paid to the petitioner.
4. As per the stand of the respondent No.2-Collector Land Acquisition (ADC), Ramban, Tehsildar Ramsoo has submitted a detailed report which reveals that the petitioner was having a residential structure in survey **No.1436/1102/76** which is recorded as State Land and the said structure has got damaged due to four laning of NH-44 in the year 2018-19. It has been submitted that ownership rights in respect of the said land measuring 4 kanals 9 marla was given to the petitioner under J&K

(Vesting of Ownership Rights to the Occupants) Act and after the annulment of the said act, the land in question has been recorded as State Land, as such, the petitioner is not entitled to land compensation. It has been further submitted that value of the structure belonging to the petitioner that was existing on the land in question has already been assessed by PWD (R&B) department and it has been valued at Rs. 30.90 lakh.

5. It has been submitted that pursuant to the directions passed by this Court on **16.10.2024** demarcation of the land in question was conducted jointly and it was found that structure belonging to the petitioner was existing at the spot, for which assessment has already been done by PWD (R&B) department. However, for the state land and trees growing thereon, no compensation is to be paid to the petitioner. It is further reported that at present no trees/structure is existing on the spot.
6. Respondent No.3-National Highways Authority of India in its reply has submitted that vide communication dated **09.06.2023**, the Additional Deputy Commissioner, Ramban informed that revenue papers concerning the additional land structure and trees at Tunnel No.06 in Village Sujmatna, Tehsil Ramsao, District Ramban has not been received and, accordingly, it was requested that

demarcation of the said land be undertaken. It has been submitted that payment of compensation to the petitioner would be made only after verification and demarcation report is received. It has been contended by respondent No.3 that Revenue Agencies are not sure about the existence of the building, as such, verification and demarcation are necessary before proceeding further in the matter.

7. Heard and considered.
8. The joint demarcation report dated **09.12.2024** clearly indicates that the land which was previously owned by the petitioner has been utilized by respondent No.3 for the construction of the road. The demarcation report also indicates that after the repeal of the Roshni Act, the land has vested with the state, as such, the petitioner is not entitled to any land compensation as well as the compensation in respect of trees standing thereon. The joint demarcation report goes to indicate that the house of the petitioner existed on spot before the land was taken over by respondent No.3 for the construction of road and PWD (R&B) department has assessed the value of the structure at Rs.30.90 lakh.
9. Thus, there is material on record to suggest that house constructed by the petitioner on the said land which at

the relevant time was under his ownership, belongs to him and its valuation was Rs. 30.90 lakh. It is also clear that at present the said house is not existing because the land underneath has been used for construction of the road. Therefore, the petitioner is at least is entitled to compensation for the structure which was raised by him on the spot at the time when the land underneath the structure in question was validly under his ownership in accordance with the laws prevalent at that time. Therefore, the petitioner is held entitled to compensation for the structure raised by him over the land utilized by respondent No.3 for construction of the road.

10. In view of the above, the writ petition is allowed and the respondents are directed to take necessary steps for releasing compensation in the amount of Rs.30.90 lakh, representing the value of the structure which was existing on the land utilized for construction of road, along with interest @ 6% per annum from the date the land was taken over by the respondents till the amount is released in favour of the petitioner.

(SANJAY DHAR)
JUDGE

JAMMU
20.08.2025
Sneha