

Serial No. 104

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

WP(C) No. 2399/2023
CM No. 5634/2023

Santosh Kumari and Anr.

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

Through: Mr. Sarthak Kotwal, Advocate.

Vs

UT of J&K and Ors.

..... Respondent(s)

Through:

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

ORDER
16.09.2023

- 01.** The petitioners as being sisters are feeling aggrieved that their ownership land comprising khasra no. 125 (12 marlas) khasra no. 127 (2 marlas) situated in village Bashat tehsil Chenani district Udhampur is sought to be appropriated by the respondents for the alleged purpose of construction of road but without adopting a due course of acquisition under law.
- 02.** The petitioners have pleaded that, without apprising to them, their land is sought to be forcible cut out by the workforce at the site acting on the behest of the respondents for the purpose of road carving and, as such, are approaching this Court through the present writ petition for the purpose of saving their property from suffering wrong at the hands of the respondents, in furtherance of

their constitutional right to property protected under the Constitution of India.

03. *Prima facie* case is made out.
04. Issue notice to the respondents.
05. Petitioner to furnish registered postal covers for the service of the respondents, whereupon the Registrar Judicial, Jammu to issue notice to the respondents. The Registrar Judicial, Jammu shall be entitled to extend time for furnishing of registered postal covers if not submitted within time given.
06. List on 10.11.2023.
07. In the meantime, *status quo* with respect to the land of the petitioners falling under khasra no. 125 (12 marlas) khasra no. 127 (2 marlas) situated in village Bashat tehsil Chenani district Udhampur shall be maintained by the respondents.
08. This direction is, however, subject to objections from the other side.

(Rahul Bharti)
Judge

Jammu
16.09.2023
Bunty