

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

Case:- WP(C) No.2662/2024
CM No.6476/2024

Zulfikar Ali Mirzai & Anr

.....Appellant/Petitioner(s)

Through: Mr. Jatinder Choudhary, Advocate

Vs

Union of India & Ors

..... Respondent(s)

Through: Mr. Sumant Sudan, Assisting Counsel vice
Mr. Vishal Sharma, DSGI for R-1 to 6
Ms.Chetna Manhas, Assisting Counsel vice
Ms. Monika Kohli, Sr.AAG for R-7 & 8

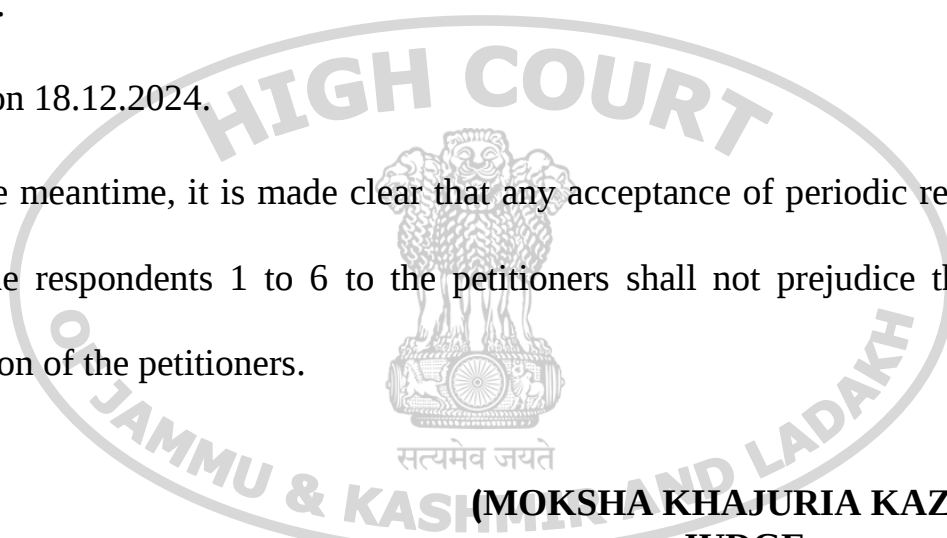
Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
(08.11.2024)

- 01.** Learned counsel for the petitioners has relied upon the order dated 22.12.2023 passed by this Court in WP(C) No. 3175/2023 and prayed for similar relief as has been granted in the aforesaid petition.
- 02.** In the instant petition, the petitioners herein submits that they are owners of the land measuring 88 kanals, 01 marlas, 219 square feet, situated in village Ban, Tehsil Nagrota, District Jammu which was requisitioned in the year 1961. It is stated that since the land under requisitioned was not acquired on or before expiry of 17 years from the date of possession, the period of requisition came to an end and the possession of respondents became without the sanction of law. It is further stated that in the UT of J&K, said period came to be afforded an extended period of one year for enabling the Union of India to exercise the option either of changing the status of property from requisitioned property to an acquired property or to relieve

the property from its use and occupation to be restored to its owner.

03. Learned counsel for the petitioners submitted that respondents 1 to 6 are continuing the use and occupation of the requisitioned property of the petitioners is without any authority of law.
04. Notice.
05. Mr. Sumant Sudan, Assisting Counsel vice Mr. Vishal Sharma, learned DSGI waives notice on behalf of respondents 1 to 6 and Ms. Chetna Manhas, Assisting Counsel vice Ms. Monika Kohli, Sr. AAG for respondents 7 and 8. They seek and are granted four weeks' time to file reply.
06. List on 18.12.2024.
07. In the meantime, it is made clear that any acceptance of periodic rent paid by the respondents 1 to 6 to the petitioners shall not prejudice the writ petition of the petitioners.



(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
08.11.2024
Vijay