

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

Case:- WP(C) No. 3016/2023  
CM No. 7238/2023

Lal Khan .....Appellant(s)/Petitioner(s)

Through: Mr. Syed Nadeem Hamdani, Advocate.

**Vs**

UT of J&K and others ..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI  
Mrs. Monika Kohli, Sr. AAG.

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

**ORDER**  
**(13.12.2023)**

Section 4(1) notification no. Coll/Def/2019-20/772-76 dated 30.09.2019 under the Land Acquisition Act, Svt. 1990 came to be issued for the purpose of undertaking acquisition process for 99.18 kanals of land for the purpose of widening of Rajouri-Thannamandi-Surankote Double Lane road by GREF. The location of the notified land was at village Bufliaz, tehsil Surankote, district Poonch. This section 4(1) notification came to be revised and re-issued vide no. Coll/Def/2020/286-91 dated 11.08.2020 whereby the intended acquisition was declared to be for 100 kanals of land instead of 99.18 kanals.

It is this notification which resulted in purported land acquisition award no. Coll/Def/2022-23/282-86 dated 25.04.2022 by the Collector Land Acquisition Defence, Rajouri/Poonch, HQ Poonch.

The petitioner owns land measuring 2.2 kanals in khasra number 1897/915 which is said to be having three shops, two residential houses located in village Bufliaz, tehsil Surankote. In terms of the acquisition exercise land measuring 2.2 kanals out of khasra number 915 is purported to have been acquired and the said land is that of the petitioner's ownership.

The petitioner is aggrieved of the manner in which the land acquisition exercise has been so undertaken particularly in the context that after

the Jammu and Kashmir Reorganization Act, 2019 coming into effect from 31.10.2019 the issuance of a revised section 4 notification no. Coll/Def/2020/286-91 dated 11.08.2020, the Jammu and Kashmir Land Acquisition Act, Svt. 1990 was *non est* as the Land Acquisition Act, Svt. 1990 had come to be repealed by the Jammu and Kashmir Reorganization Act, 2019.

Learned counsel for the petitioner submits that the entire proceedings are *non est* and that the said land acquisition exercise is already subject matter of the challenge in a writ petition WP(C) no. 2247/2021 in which vide an interim order dated 20.10.2021, the proceedings pursuant to the said award has come to be stayed.

*Prima facie* case is made out.

Issue notice to the respondents.

Mr. Vishal Sharma, learned DSGI accepts notice on behalf of the respondents no. 1 & 4 and Mrs. Monika Kohli, learned Sr. AAG on behalf of the respondents no. 2 & 3. They seek time to file reply/objections to the writ petition within a period of six weeks. Time granted.

List on 16.02.2024.

In the meantime, any amount of compensation paid in terms of the impugned award in favour of the petitioner will not prejudice the case of the petitioner in the matter of challenge being posed to the land acquisition exercise.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**13.12.2023**  
*Shivalee*