

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 3014/2023

Bahdur Singh

.... Petitioner/Appellant(s)

Through:- Mr. Irfaan Khan, Advocate.

V/s

UT of J&K and others

.....Respondent(s)

Through:- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Ravinder Gupta, AAG.

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

01.04.2026

1. From a bare perusal of the stand taken by respondent No. 3-Sub-Divisional Magistrate (Collector, Land Acquisition), Mahore, Thuroo, Reasi, it is apparent that respondent No. 3 has attributed the delay in the acquisition proceedings to the failure of the indenting department to provide the requisite funds to the Collector, Dharmari, thereby obstructing the progression of the land acquisition process. In this backdrop, respondent No. 3 has taken a specific stand that both the acquisition proceedings and compensatory payments to the petitioner were delayed/discontinued due to the lack of necessary funds.

2. Respondent No. 3 has further submitted that it is the responsibility of the indenting department, i.e., PWD (R&B), to allocate funds to the Collector for initiating the land acquisition proceedings and to ensure compensation to the petitioner.

3. In addition, it has been submitted by the Collector while filing reply that the initial indent was placed under the now obsolete Land Acquisition Act, 1990, and, therefore, a fresh indent under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is required to legally proceed with the land acquisition.

4. However, respondents Nos. 1, 2 and 4 have taken a contradictory stand. It has been submitted on their behalf that the compensation case for the land acquisition has already been processed and that the compensation shall be released in favour of the petitioner as and when funds are made available.

5. Thus, the stand taken by respondents No. 1, 2 and 4 is in direct conflict with the stand taken by respondent No. 3. On the one hand, respondent No. 3 has stated that fresh acquisition proceedings are required to be initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and that a fresh indent is required, however, respondents No. 1, 2 and 4 have submitted that the compensation case has already been processed and compensation shall be released upon availability of funds.

6. It has also been apprised by learned counsel for the respondents that subsequently another affidavit has been filed in terms of order dated 12.11.2025 on behalf of the SDM, Collector Land Acquisition, Mahore, Thuroo, wherein, on the basis of the latest status report received from the office of the Executive Engineer, PWD (R&B) Division, Reasi, vide letter No. 5930 dated 12.11.2025, it has been submitted that construction of the bridge in question stands fully completed during the year 2018–19 and no component of the sanctioned work remains pending execution at the site.

It has further been acknowledged that the bridge has already been completed, thereby fulfilling the requirement of the project.

7. In light of the aforesaid affidavit, it *prima facie* appears that the bridge in question was completed way back in 2018–19. Therefore, if the land of the petitioner has been utilized or acquired for construction of the said bridge, the respondents would be under a legal obligation to compensate the petitioner in accordance with the rules in vogue at that relevant point of time.

8. Accordingly, respondent No. 3 is directed to file a fresh affidavit within a period of two weeks, with a copy in advance to the other side, clarifying whether any compensation has been paid to the petitioner till date and, if so, the amount thereof, and further indicating whether the land of the petitioner has been acquired or utilized for construction of the said bridge, which admittedly stands completed way back in the year 2018–19.

9. List on 27.04.2026.

(Wasim Sadiq Nargal)
Judge

Jammu:

01.04.2026

Michal Sharma/PS