

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CPOWP No. 171/2015
CM No. 4543/2021, 4542/2021

Janak Raj

...Appellant/Petitioner(s)

Through :- Ms. S. Kour, Sr. Advocate with
Ms. Manpreet Kour, Advocate.

v/s

M. Raju, Commissioner-Cum-Secretary to
Govt. Irrigation and Flood Control
Department

.....Respondent (s)

Through :- Mr. R. S. Jamwal, AAG

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER

Reply stands filed by the respondent.

In the statement of facts, learned counsel for the respondents, have not in so many words denied that the part of embankment constructed by them is on the land of the petitioner. The stand of the respondents, however, is that construction of the embankment had already been completed when the direction was passed by this Court.

I have considered the statement of fact filed by the respondents. It may be true that the respondents may have completed the construction of embankment including the one on the land of the petitioner before the judgment was passed by this Court on 21.05.2015.

However, the second part of the direction in the judgment that if the respondents were to deprive the petitioner of his land for using it for public purpose, they shall take recourse to law and adopt the procedure as laid down under Land Acquisition Act still remains to be complied with.

Without returning any finding as to whether the land of the petitioner is under the construction of embankment and if yes, how much of the

land has come under the embankment, respondents are called upon to initiate the process by first getting proper demarcation of the land of the petitioner from the Revenue Agency and in case upon demarcation, it is found that the land of the petitioner is under embankment, further process shall be initiated to acquire the same under the provision of the law laid down in Land Acquisition Act in the Union Territory of Jammu and Kashmir.

Mr. R. S. Jamwal, learned counsel for the respondents seeks and is granted two weeks time to complete the process.

List on 15.07.2022.

(Sanjeev Kumar)
Judge

JAMMU:
10.03.2022
Sahil Padha

