



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

Date of decision: 17.04.2026

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WP(C) No. 3130/2025

CM No. 7175/2025

Sandoor Singh

S/O Late Sh. Shankar Dass

R/O Barrian, Tehsil and District Udhampur

.....Applicant(s)/Petitioner(s)

Through :- Ms. Himani Khajuria, Advocate vice
Mr. Ankur Sharma, Advocate.

v/s

1. Union of India

Through its Secretary,
Ministry of Road Transport & Highways,
Government of India, New Delhi-110001

2. The Chairman,

National Highway Authority of India,
G-5 & 6, Sector 10, Dwarka, New Delhi.

3. The Project Director,

National Highway Authority of India,
District Udhampur, Jammu & Kashmir.

.....Respondent(s)

Through :- Mr. Karan Singh, Advocate vice
Mr. Vishal Parihar, Advocate for R-2&3.

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

ORDER
17.04.2026

1. In this petition, the petitioner, herein, is seeking a direction upon respondents to safeguard his life and property especially his dwelling house by immediately constructing a Concrete Retention Wall/Breast Wall or any other suitable structure from (LHS) Km 14+700 onwards at Barrian, Udhampur National Highway-44, or in alternative, to initiate acquisition proceedings under the National Highways Act, 1956 read with the Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquiring the land and property of the petitioner in accordance with law.



2. It is stated by the learned counsel for the petitioner that he has been compelled to approach this court on account of the negligence on the part of the respondents for not constructing a proper adequate breast wall adjoining to his house, thereby, causing imminent danger and threat to life of the petitioner and his family, who are residing in a residential house which is adjoining the National Highway and has been subjected to severe landslides in the past, the effect of which is the cracks on the outer walls of the house and also could result in some accident/loss of life due to massive soil erosion, the main reason of which is construction of the four-laning project of National Highway No.44 undertaken by the National Highways Authority of India (NHAI). The petitioner, herein, has placed on record certain photographs, which clearly show that there is severe threat to the life and property of the petitioner.

3. Reply stands filed on behalf of the respondents, wherein it is stated that NHAI has completed the Four Lanning of NH-44; that during the design stage of the Project highways, the concessionaire carried out necessary soil surveys, field and laboratory investigation for selecting the appropriate heights of breast walls to make slopes stable throughout the said NH-44; that grievance of the petitioner has already been redressed by the NHAI in the year 2017, whereby, on the recommendation of independent Engineer, who conducted the spot inspection, the concessionaire has made a second stage CC retaining wall in addition to the already existing wall; that the concessionaire has raised the height of the breast wall more than 25 feet in height and the height of the wall is more than sufficient keeping in view the nature of the soil strata available on the site.

4. Respondents have placed on record communication of the Additional Deputy Commissioner, Udhampur dated 30.08.2025, addressed to the Project



Director, NHAI, Project Implementation Unit (PIU), Udhampur forwarding the representation of the petitioner for immediate construction of a protective concrete wall. The said communication is responded by the Project Director, NHAI, Udhampur wherein he has stated that construction of protection wall is beyond the RoW as well as scope of BOT Concessionaire of the Project, therefore, the same cannot be considered.

5. Since, it is incumbent upon the respondents to safeguard the life and property of the petitioner, as such, respondents herein are under an obligation to either construct a concrete retention wall/breast wall of any suitable structure from LHS Km 14-700 onwards at Barrian, Udhampur National Highway-44 or to acquire the property of the petitioner in terms of the Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. Be that as it may, the writ petition is *disposed of* with a direction to respondents 2 and 3 to construct a concrete retention wall/breast wall of any suitable structure from LHS Km 14-700 onwards at Barrian, Udhampur National Highway-44, so that life and property of the petitioner and his family can be safeguarded. Let the needful be done within a period of three months from the date of passing of this order.

(Moksha Khajuria Kazmi)
Judge

JAMMU
17.04.2026
Raj Kumar