

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

Reserved on : 11.08.2023.

Pronounced on : 15.12.2023.

Case:- CCP(D) No. 89/2022
CM No. 7860/2022
c/w
RP No. 62/2022
CM Nos. 1962/2022 & 1963/2022

Zamindaran Village Hanch

.....Petitioner

Through: Mr. S. A. Hashmi, Advocate

Vs

**Vijay Kumar Bidhuri,
Commissioner/Secretary Revenue Department and others**

..... Respondents

Through: Mrs. Monika Kohli, Sr. AAG
Mr. Ravinder Gupta, AAG

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

JUDGEMENT

CCP(D) No. 89/2022

01. A writ petition bearing OWP no. 516/2019 filed on behalf of the Zamindaran Village Hanch against the then State of Jammu & Kashmir and its officials including the Collector Land Acquisition Act (Assistant Commissioner Revenue), Doda came to be disposed of without adjudication on merits by the Division Bench of this Court

in terms of an order dated 22.11.2021 with a direction the Chief Engineer, PWD R&B, Doda, Collector Land Acquisition, Doda and Deputy Commissioner, Doda to immediately take steps for initiating such steps under the provisions of the Right to Fair Compensation Act, so that the petitioner is compensated for the land which has been utilized for purposes of construction of the road.

02. It is a fact beyond dispute that in this writ petition, no individual owners were identified who were entitled to receive compensation as per the direction given in terms of the order dated 22.11.2021, as such, the direction so given by the Division Bench of this Court was actually meant to be used by the aggrieved land owners whose land was purportedly coming under the acquisition but the present contempt petition has again come to filed in the name of Zamindaran Village Hanch through Mohammed Sikander Malik alleging therein that the respondents have not carried out the compliance of the direction as given in terms of order dated 22.11.2021.

03. A perusal of the contempt petition reflects that said Mohammed Sikander Malik has nowhere spelled out as to who are the aggrieved land owners who are still affected and aggrieved and

on whose behalf the matter for grant of compensation as directed in terms of order dated 22.11.2021 was to operate. In fact, said Mohammed Sikander Malik has not even himself put up to be one of the aggrieved persons, as such, is seeking to maintain a contempt petition without any locus.

04. This contempt petition came to be filed on 22.12.2022, whereas the direction given in terms of order dated 22.11.2021 was meant to be operative and complied with within a period of six weeks. Even in the contempt petition no whisper has been made as to what Mohammed Sikander Malik was doing pursuant to the direction so given in terms of order dated 22.11.2021 to the extent of wasting almost more than one year to come up with the present contempt petition.

05. This contempt petition also does not disclose as to who was the Commissioner/Secretary Revenue, Govt. of J&K at the relevant point of time as the timeline given in the order dated 22.11.2021 was meant to be carried out by the then serving Commissioner/Secretary whereas the respondents named in the contempt petition may not be the officials who were there at the

relevant point of time to carry out the compliance of the direction as given.

06. In the light of the above, this contempt petition itself is bereft of merit and does not deserve condonation of delay application to be entertained. Hence, condonation of delay application along with the contempt petition are hereby ***dismissed***.

07. The dismissal of the present matter will not prejudice the right of any aggrieved land owner whose land has come to be appropriated without monetary compensation having taken place.

RP No. 62/2022

In the light of the dismissal of the contempt petition in the aforesaid manner, the review petition is also rendered infructuous and hence dismissed without prejudice to the standpoint of the respondents in writ petition OWP no. 516/2016 to contest a petition, if any, filed by an aggrieved land owner.

(RAHUL BHARTI)
JUDGE

(TASHI RABSTAN)
JUDGE

JAMMU
15.12.2023
Muneesh

Whether the order is speaking : Yes / No

Whether the order is reportable : Yes / No