

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

WP(C) No. 1839/2022
CM No. 5138/2022

Mohd Taj Khan

....Petitioner(s)/Appellant(s)

Through :- Mr. Ajaz Chowdhary, Advocate.

V/s

UT of J&K and others

....Respondent(s)

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

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE**

ORDER
06.03.2023

1. The petitioner by the medium of this writ petition has prayed for the following reliefs:

- (i) Commanding and directing the respondents not to construct the road from the land of the petitioner under Khasra No. L75 land measuring 3 kanals and Khasra No. 178 with regard to the land measuring 1 1 kanals and 06 marlas total land measuring 14 kanal and 06 marlas without adopting due course of law and without acquiring the land as well as without paying the compensation as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
- (ii) Commanding and directing the respondents not to dispossess the petitioner from the land under Khasra No. 175 measuring 3 kanals and Khasra No. 178 with regard to the land measuring 11 kanals and 06 marlas total land measuring 14 kanal and 06 marlas.
- (iii) Commanding and directing the respondents not to demolish the residential house constructed by the petitioner over the piece of land under Khasra No. 175.

2. Respondents 10 and 11 have filed their objections, para 4 of the objections is as:

“4. After issuance of final award by the office of the CLA (Def) Rajouri dated 09 Apr 2021 (Annexure-R/1), the compensation against land amounting to Rs. 2,43,05,766.00 was paid to the office of the

CLA (Def) Rajouri against Village - Manyal, Tehsil – Thanamandi & Distt - Rajouri UT of J&K including Khasra No 175 min amounting to Rs.6,71,139.00 of land measuring 03 Kanal 11 Marla and 14 Sarsai and 178 Min amounting to Rs.1,64,445.00 of land measuring 0 Kanal 16 Marla and 16 Sarsai land vide office of the AO (P) Sampark letter No AO (P) /Sampark / 106/ TA/DA dated 05 Jun 2021 Annexure-R/2).
”

3. It is the submission of the learned counsel for the petitioner that the land owned by the petitioner falling in Khasra No. 175 has not been acquired.

4. At this stage, learned counsel for the petitioner submitted that he would be satisfied if this writ petition is disposed of with a direction to the respondent authorities that in case the respondents want to acquire the land owned by the petitioner measuring 3 kanals falling under Khasra No. 175 village Manyal Tehsil Thanamandi, District Rajouri, the same shall be strictly under the provisions provided under the relevant act and rules.

5. In view of innocuous prayer made by the learned counsel for the petitioner, we disposed of this writ petition by directing the respondents that in the event they want to acquire the land owned by the petitioner comprising Khasra No. 175 measuring 3 kanals, if not already acquired, they shall strictly adhere to the relevant provisions of law.

6. Disposed of as above.

(MA Chowdhary)
Judge

(Tashi Rabstan)
Judge

Jammu:
06.03.2023
Raj Kumar

Whether the order is speaking?

Yes/No.

Whether the order is reportable?

Yes/No.