

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

CCP(D) No.18/2023 in
WP(C) No.2644/2022

Dr. Gurdev Chand, Age 48 years
S/o Sh. Des Raj
R/o Dayalachak Near Ganga Palace
Tehsil Hiranagar District Kathua

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

Through :- Mr. M.K Bhardwaj, Sr. Advocate with
Mr. Manik Bhardwaj, Advocate.

Versus

1. Rahul Kumar Pandey,
Collector Land Acquisition, Kathua.
2. Rahul Ji Basotra,
Tehsildar Hiranagar, District Kathua.
3. Ajay Kumar Rajak
Project Director,
National Highway Authority of India,
Channi Himmat, Jammu.

....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG for R-1&2.

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER

26.02.2024

1. Instant contempt petition has been filed for non compliance of order dated 06.12.2022 passed in WP(C) No.2644/2022 whereby, the writ petition was disposed of with the consensus of learned counsel for the parties with a direction to Additional Deputy Commissioner/Collector Land Acquisition, Kathua to consider the representation stated to have been filed by the petitioner with regard to acquisition of his property in accordance with the law governing the subject, more particularly, Section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, expeditiously.

2. Mr. M.K Bhardwaj, learned senior counsel appearing for the petitioner submits that while considering the representation of the petitioner, Section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has not been adhered to by the respondents in letter and spirit.

3. Statement of facts has been filed by the respondent No.1-Collector Land Acquisition, Kathua annexing therewith consideration order dated 20.10.2023, Annexure-IV, wherein it is contended that before announcement of the award in the case on 18.10.2022, the authorities of National Highway Authority of India and Officers from Revenue and Public Works Department had jointly inspected the spot in August 2022 on the application of Dr. Gurdev Chand for acquisition of whole house and it was conveyed by the authorities of NHAI vide communication dated 10.08.2022 that the assessment of affected part only as done by the JKPWD shall be payable. It is further contended in the consideration order passed by respondent No.1 that only a small portion of the structure has come under the Expressway and a service road is proposed adjacent to the residence of the petitioner and as such, the representation for acquisition of whole of the residential house cannot be accepted.

4. As the petition was disposed of with the consensus of learned counsel for the parties with a direction to consider the representation stated to have been filed by the petitioner and the consideration order has been passed by the respondents rejecting the claim of the petitioner, therefore, nothing survives in this contempt petition to adjudicate further and the same is accordingly, **dismissed**. The proceedings initiated against the respondents are

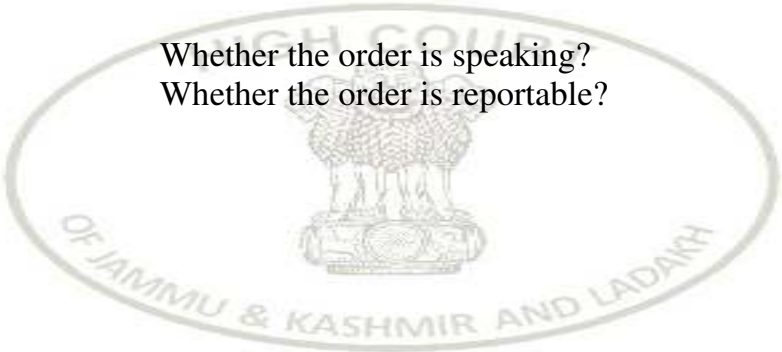
dropped, however, the petitioner shall be at liberty to challenge the consideration order dated 20.10.2023 passed by respondent No.1.

5. Dismissed.

(Puneet Gupta)
Judge

(Tashi Rabstan)
Judge

Jammu:
26.02.2024
Surinder



Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No