

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

Case: WP(C) 761/2023

**Ran Pati, Age 40 years  
S/o Late Kali Dass  
R/o Village, Balooni  
Tehsil Ghagwal & District Samba  
And others**

....Appellant/Petitioner(s)

Through: Mr. F. A. Natnoo, Advocate

V/s

**1. Union of India  
Through Ministry of Road, Transport  
& Highways  
Government of India  
New Delhi  
2. Chairman  
National Highways Authority of India  
G5&6, Sector-10  
Drarka  
New Delhi  
3. Regional Manager,  
Regional Office  
National Highways Authority of India  
Channi Himmat,  
Near hotel, Ritz,  
Jammu  
4.Divisional Commissioner  
Jammu  
5. Deputy Commissioner  
Samba**

....Respondent(s)

Through :- Ms. Aparna Gupta, Assisting Counsel to  
Ms. Monika Kohli, Sr. AAG

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER  
20.12.2024**

1. Through the medium of the instant writ petition, the petitioners seek a direction to the respondents to accord due consideration to the case of the petitioners in light of the representations made and also in light of the provisions

of Section 16 to 19 of The Right to Fair Compensation and Transparency in Land Acquisition' Rehabilitation and Resettlement Act, 2013 read with the provisions of The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015 for the purpose of extending the beneficial advantage allowed by the said legislation to the land owners for the rehabilitation and resettlement of the petitioners effected in the process of acquisition of land for widening of NH 44, namely, Delhi-Ludhiana-Amritsar-Katra Expressway Km 475.7 to 500.6 (Samba), before finalization of the process of acquisition in respect of the land/structure of the petitioners situated at Village Balooni, Tehsil Ghagwal, District Samba or in the alternative consider the case of the petitioners for either constructing of fly over bridge or by keeping turning point.

2. Learned counsel for the petitioners submits that the petitioners are the resident of Village Balooni, Tehsil Ghagwal and District Samba. It is stated that some of the petitioners having their landed property have constructed houses/shops and are running various small businesses with help of other petitions, who mostly are unemployed youth and are dependent on the income which they get in turn of services rendered to the shop owners.

3. Mr. F. A. Natnoo, learned counsel appearing on behalf of the petitioners submits that in the year 2021, vide notification bearing S. O. No. 158(E) of 2021 dated 14.01.2021, issued by respondents, the landed property of the petitioner particularly the portion over which the shops and houses of the petitioners are constructed were sought to be acquired by the respondents. The respondents have called the objections from interested persons within 21 days. It is stated that the landed property of the petitioners is being acquired for widening of Delhi-Ludhiana-Amritsar-Katra Expressway Km 465.7 to 500.6( Samba).

4. Learned counsel for the petitioners further submits that respondents despite having been made aware about the plight of the petitioners regarding their source of income and survival at stake in the process of acquisition with specific information that the petitioners having no other land available for construction of shops and in some cases their home as well, the respondent no. 3 in terms of the provisions of Section 16 to 19 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was under an obligation to accord consideration to conduct a survey and undertake census of the effected families and to take further action for their rehabilitation and resettlement, the respondents have failed to appreciate the genuine and legitimate grievance of the petitioners.

5. It is stated that the petitioners approached the respondents by way of representation and requested that their source of livelihood could be protected even by suggesting an alternative construction approach for the flyover that would avoid displacing their businesses and homes, and protect their source of livelihood, however till date their grievance has not been redressed.

6. Feeling aggrieved of the inaction on the part of the respondents, petitioner has approached this Court by way of this instant writ petition.

7. **Per-contra**, reply has been filed on behalf of the respondents, along with the reply filed by respondents 1 to 3, a detailed consideration Order No. CDS/DKE/23-24/1197-2000 dated 27.01.2024, has been passed by Deputy Commissioner, Samba, a perusal whereof reveals that the representation alleged to have been filed by the petitioners has been accorded due consideration and a detailed consideration order has been passed. The aforesaid order has been passed in compliance to the direction issued by this Court dated 23.08.2023, by virtue of which the representation alleged to have been filed by the petitioners whereby a request has been made to save the shops and houses at Jatwal Morh

has been considered and found devoid of merit on the ground that the petitioners are not being completely displaced/dislocated as only a small portion of the land possessed and owned by them, had been acquired for the construction of Delhi Amritsar-Katra Expressway.

8. Since, the only grievance projected by the petitioners in the instant petition was to direct the respondents to accord consideration to the representation alleged to have been filed by the petitioners, which grievance stands redressed by issuance of the aforesaid consideration order.

9. Thus, in the light of the consideration order dated 27.01.2024, passed by Deputy Commissioner, Samba, no fruitful purpose will be served to keep the instant writ petition pending as the grievance of the petitioners projected in the instant petition stood redressed, accordingly, the instant writ petition is disposed of.

10. However, petitioners are at liberty to challenge the consideration order dated 27.01.2024, if so advised by way of appropriate proceedings.

**(Wasim Sadiq Nargal)**  
**Judge**

Jammu:  
20.12.2024  
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