

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

WP(C) No. 324/2025
CM No. 711/2025

1. **Ashok Kumar, Age 38 years, S/o Sh. Khazan Dass, R/o Gurekhra, Tehsil Gandoh, District Doda;** Petitioner(s)
2. **Kuldeep Singh, Age 49 years, S/o KhazanDass, R/o Gurekhra, Tehsil Gandoh, District Doda;**
3. **Rabti Devi, Age 90 years, W/o Late Sh. Hari Saran, R/o Gurekhra, Tehsil Gandoh, District Doda;**
4. **Ram Lal, Age 55 years, S/o Sh. Madhu Lal, R/o Gurekhra, Tehsil Gandoh, District Doda;**
5. **Guri Devi, Age 65 years, D/o Sh. Mohan Lal, R/o Gurekhra, Tehsil Gandoh, District Doda;**
At present Shelka, Tehsil Gandoh, District Doda.
6. **Degree Devi, Age 58 years, D/o Sh. Mohan Lal, R/o Gurekhra, Tehsil Gandoh, District Doda.**
At present Ganshana, Tehsil Gandoh, District Doda.

Through: Mr. Sushil S Chandel, Advocate.

Vs

1. **UT of J&K Th. Commissioner/Secretary, Revenue Department, Civil Secretariat, Jammu;** Respondent(s)
2. **Executive Engineer, PMGSY Division Thatri;**
3. **Collector Land Acquisition, Sub-Divisional Magistrate, Gandoh.**

Through: Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG for
R-1 & 3.
Ms. Gurmeet Kour, Advocate vice
Mr. Ravinder Gupta, AAG for R-2.

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

ORDER (ORAL)

17.02.2025

1. While the matter was being argued, learned counsel for the petitioners has drawn the attention of this Court to a Communication addressed by the Collector Land Acquisition Sub-Divisional Magistrate, Gandoh to the Executive Engineer, PMGSY, Division Thathri dated 07.06.2024, a perusal whereof reveals that the Chief Horticulture Officer, Doda vide Communication dated 06.05.2024 has submitted assessment of the compensation of fruit bearing trees coming under the alignment of Taintly to Gurekhra road, but due to lack of funds, the compensation has not been released in favour of the petitioners and, accordingly, a request has been made to the concerned Executive Engineer to arrange the funds amounting to ₹16,09,664/-, the details of which has been mentioned in the aforesaid Communication. For facility of reference, the same is reproduced hereunder:-

“GOVERNMENT OF JAMMU AND KASHMIR
Office of the Collector Land Acquisition (SDM), Gandoh

***The Executive Engineer,
PMGSY, Division Thatri.***

No. 99-100/LAC

Dated:-07.06.2024

Subject:- Provision of funds to the tune of Rs. 1609664/- (Rupees Sixteen Lacs Nine Thousand Six Hundred Four only) as compensation of fruit bearing trees coming under the alignment of Taintly to Gurekhra road.

Sir,

The Chief Horticulture Officer Doda vide his letter No. CHO/D/Comp/2023-24/226-28 dated 06.05.2024 has submitted assessment of compensation of fruit bearing trees coming under the alignment of Taintly to Gurekhra road (copy enclosed). But due to lack of

*funds it is not possible to release fruit bearing trees compensation.
Therefore, you are requested to arrange the funds amounting to Rs. 1609664/- (Rupees Sixteen Lacs Nine Thousand Six Hundred Four only), as mentioned below:-*

S. No.	Name of beneficiaries	Total amount
1.	Kuldeep, Ashok Kumar, Rabati Devi	₹ 7,99,228/-
2.	Ram Lal S/o Madhu Lal	₹ 5,70,008/-
3.	Guri Devi, Dogree Devi D/o Mohan Lal	₹ 2,40,426/-
G=Total		₹ 16,09,664/-

Yours faithfully,

*Sd/-
(Arun Kumar Badyal), JKAS
Collector Land Acquisition,
Sub Divisional Magistrate”*

2. Pursuant thereto, the funds have been released by the concerned Executive Engineer, which is apparent from a bare perusal of the Communication dated 06.11.2024, addressed to Collector Land Acquisition, Sub-Divisional Magistrate, Gandoh by the said Executive Engineer, whereby an amount of ₹29.40 lacs has been released and transferred to the Account of the Collector Land Acquisition for further disbursement of the beneficiaries for amount of 16.09 lacs for the work code No. PWDSS2425102351 Taintly to Gurekhra (fruit/non-fruit trees compensation). The aforesaid Communication although has been issued way back on 06.11.2024, but till date, the compensation has not been released in favour of petitioners in spite of the clear-cut observation by the concerned Executive Engineer to the Collector Land Acquisition to disburse the said compensation to the beneficiaries after observing codal formalities. Feeling aggrieved of the inaction on

part of the respondents, the instant petition has been preferred for seeking a direction against the respondents to release the aforesaid amount in their favour on account of loss/damage occurred to the fruit bearing trees while construction of Taintly-Gurekhra road under Khasra Nos. 223, 217, 159, 178, 185, 184, 130 & 227 situated at Gurekhra Tehsil Gandoh, District Doda.

3. Heard learned counsel for the petitioners at length and perused the record.

4. Issue notice.

5. Ms. Sagira Jaffer, Advocate appearing vice Mrs. Monika Kohli, Sr. AAG waives notice on behalf of respondent Nos. 1 & 3 and Ms. Gurmeet Kour, Advocate appearing vice Mr. Ravinder Gupta, AAG on behalf of respondent No. 2.

6. Learned counsel for the petitioner further submits that the petitioners would feel satisfied in case, the instant writ petition is treated as representation and a direction is issued to the respondents to accord consideration to the case of the petitioners with regard to release of the aforesaid amount in their favour within reasonable, to which learned counsel for the respondents has no objection, provided the same is directed to be accorded consideration strictly under rules and as per law.

7. With the consent of learned counsel for the parties, the instant petition is taken up for disposal at the very threshold with

a direction to respondent No. 3 to treat the instant petition as a representation and to accord consideration to the case of the petitioners within a period of four weeks from the date, a certified copy of this order along with writ petition and annexures are made available to the said respondent strictly under rules and as per law.

8. It is also made clear that while according consideration to the case of the petitioners, the respondent No. 3 is directed to give due weightage to the Communication dated 07.06.2024 addressed by the Collector Land Acquisition, Sub Divisional Magistrate to the Executive Engineer, PMGSY Division Thatri, followed by Communication dated 06.11.2024 issued by the concerned Executive Engineer, PMGSY, Division Thatri to the Collector Land Acquisition, Sub-Divisional Magistrate, Gandoh. Let necessary consideration be accorded within the aforesaid period and the order, which is likely to be passed be forwarded to the petitioners through registered post.

9. The writ petition is ***disposed of*** along with connected CM in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

JAMMU
17.02.2025
Ram Krishan