

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

Case: WP(C) No. 389/2025

Mohd. Khalil

..... Petitioner(s)

Through :- None.

vs

U. T. of J&K and others

.....Respondent(s)

Through :- Ms. Priyanka Bhat, Adv. for Nos.1 to 4 vice
Ms. Monika Kohli, Sr. AAG
Mr. Vishal Sharma, DSGI for No. 5 with
Mr. Eishaan Dadhichi, CGSC
Ms. Deepali Arora, Adv. for No. 6

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
17.09.2025

1. Through the medium of instant petition, the petitioner has sought the following reliefs:

Writ of Mandamus whereby commanding the respondents to accomplish the construction of Jammu- Poonch National highway Stretch 7, Dheri Dhara to Bhata Dhurian as per the survey conducted by the respondents in the year 2022.

Further, Writ of Mandamus, whereby commanding the respondents to refrain from changing the alignment of the Jammu- Poonch National highway Stretch 7 Dheri Dhara to Bhata Dhurian, from approved alignment by deviating alignment from khasra no 795 to khasra nos 680 in village Kotli Kala Ban , in order to accommodate influential /blue eyed persons of area.

and

Any other order/direction which this Hon'ble Court deems fit and proper in the light of facts and circumstances of the case.

2. The petitioner is aggrieved of the construction of the road which was to be constructed as per the approved alignment, as is evident from the approved survey conducted by the Indenting Department and that too in consultation with the Revenue Authorities. However, the petitioner through the medium of instant petition has alleged that the construction agency under the influence of

influential persons of the locality are deviating from the proposed alignment, thereby, putting the residents to a great danger of landslides as most of the residents are situated at higher altitude.

3. Further case of the petitioner is that an extensive survey was conducted by the Revenue Authorities as well as Indenting Department for construction of Jammu-Poonch Highway road as the area is a hilly terrain and prone to landslides and keeping in view the topography of the particular area, the alignment was approved by the Indenting Department with the active cooperation of the Revenue Department, which was already given consent for construction of the road in question.

4. The construction of so called road is a defence road which was authorized for constructing of the same to the Border Road Organization, which has further initiated the process by way of tender and authorized the SRM Contractors Ltd. to undertake the construction of the road in question. It has been urged by the petitioner that the construction activity was initiated and under the influence of some persons, the construction agency has made changes/deviations of the said land as also the alignment.

5. It has further been pleaded that the construction agency on its own has identified khasra No. 680 in the said locality, without assessing its pros and cons and have compromised the security of the area, which according to the petitioner is a hilly area and prone to landslides and it may cause disaster. The change/deviation of alignment of the road from khasra No. 795 to khasra No. 680 is the subject matter of the instant petition.

6. It has further been pleaded that the construction of Jammu-Poonch National Highway Stretch 7, Dheri Dhara to Bhata Dhurian was approved by

the Government of India being the defence road in light of the survey conducted by the concerned agency in the year 2022 to construct the said road on the landed property of the petitioner falling under khasra No. 795 situated at Village Kotli Kala Ban at that point. It has been alleged by the petitioner in the instant petition that the alignment is being changed without any justifiable cause and for *mala fide* reasons.

7. Feeling aggrieved by the proposed change of alignment, the petitioner had represented before the concerned authorities, which was not accorded due consideration, as such, the instant petition has been preferred.

8. Reply stands filed by respondent Nos. 2 to 4 and also on behalf of respondent No. 5. In the preliminary objections, the stand taken by the respondent Nos. 2 to 4 is with regard to the maintainability of the instant petition and that the petitioner has raised disputed questions of facts in the instant petition, which cannot be looked into while exercising writ jurisdiction. The respondents have also taken a specific stand that since the petitioner has not come with clean hands, as such, the instant petition deserves dismissal for such misrepresentation.

9. The record further reveals that the instant petition was listed before this Court on 19.02.2025 on which date, this Court has been pleased to direct respondent Nos. 2 to 5 to consider the representation made by the petitioner on 10.02.2025, within two weeks from the date of passing of the said order. A specific stand has been taken by the respondents that consequent upon the receipt of the aforesaid direction of this Court, the concerned Deputy Commissioner Rajouri, respondent No. 2 herein constituted a Committee vide order dated 13.03.2025 headed by the Assistant Commissioner Defence

Rajouri and the said Committee was mandated to thoroughly examine the representation dated 10.02.2025 submitted by the petitioner. The said Committee headed by Assistant Commissioner, Defence Rajouri passed a detailed speaking order dated 04.04.2025, a perusal whereof reveals that the Committee on 26.03.2025 conducted on spot inspection with a view to ascertain the veracity of the claims made by the petitioner regarding change of the alignment of the road in question. Even the demarcation was also done and during demarcation exercise in presence of the petitioner, it has come to fore that the land measuring 2 kanals 16 marlas falling under khasra No. 795 situated at Village Kotli Kalaban had already been acquired for the construction of the National Highway NH 144A(Akhnoor-Poonch Road) and the award thereof dated 05.06.2024 for the said land amounting to ₹28,31,558/- had already been passed.

10. As per the stand of the respondents, even a joint survey was also conducted by the Revenue Department in coordination with the Indenting Department (GREF) and it has been found that an additional land measuring 4 marlas and 7 sarsai falling under khasra No. 795, falls within the alignment of the road has been acquired, for which, additional acquisition proceedings of the said land under section 3A of the National Highways Act, 1956 have already been completed and the final award is likely to be passed under section 3G of the Act.

11. The respondents while filing the reply affidavit has submitted that no deviation of any kind, as alleged in the instant petition, has been found or proposed by the executing agency. Even the petitioner, who participated in the

demarcation process, has also expressed satisfaction with the demarcation and his concerns regarding the change in alignment of the road also stood clinched.

12. The respondents while filing reply, has also placed on record the detailed speaking order dated 04.04.2025. A bare perusal of the order of consideration, it is apparent that the land of the petitioner has been acquired by the Indenting Department in which the District Collector has passed the final award and the beneficiaries who are entitled for the release of compensation have been awarded for acquisition of their land.

13. In the aforesaid backdrop, the representation of the petitioner filed before the respondents dated 10.02.2025 is being devoid of any merit and the mere apprehension of the petitioner has been raised which stood rejected and disposed of accordingly. Even while the matter was being accorded due consideration to the representation alleged to have been filed by the petitioner, the petitioner has been given in writing that all of his grievances have been resolved and he shall have no objection whatsoever with regard to the construction/widening of the road in question. With a view to fortify the said claim, the respondents have also annexed the statement of the petitioner along with the reply affidavit as annexure-2, a perusal whereof reveals that the grievance of the petitioner stands redressed. Even a separate reply has also been filed by respondent No. 5 in which the same stand has been taken.

14. Heard learned counsel for the parties at length and perused the record.

15. In light of the stand taken by the respondents, with particular reference to the statement made by the petitioner and also in light of the reasons stated in the detailed speaking order, this Court is of the considered view that since the grievance of the petitioner stands redressed and no fruitful purpose would be

served to keep this petition alive and this is the precise reason that there is no representation on behalf of the petitioner today.

16. For all what has been said, analyzed and discussed hereinabove, the present writ petition does not survive, as the grievances of the petitioner stand redressed, as such, same is disposed of along with all connected applications.

17. Disposed of in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
17.09.2025
Rakesh

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

