

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

**Case:- WP(C) No. 286/2021
IA No. 1431/2021**

*Date of Pronouncement:- 24.12.2025
Uploaded on:- 29.12.2025*

Mohd. Asgar and ors.

.... **Petitioner(s)**

Through:- Mr. Shabir Ahmed, Advocate.
V/s

UT of J&K & Ors.

.....**Respondent(s)**

Through:- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER(ORAL)

1. Through the medium of this petition filed under Article 226 of the Constitution, the petitioners herein have sought the following reliefs:-

“(a) MANDAMUS:-

Commanding the respondents to issue formal engagement orders in favour of the petitioners by considering their cases for engagement in terms of Jammu and Kashmir Casual and other Workers-Regular Engagement Rules, 2017 notified vide SRO 520 dated 21.12.2017 in lieu of the land donated to the department for the construction of Service Reservoirs/Water Tanks at their respective Villages falling in District Reasi.

(b) The Hon'ble Court may, in the facts and circumstances of the case, be pleased to grant any other alternative/additional relief in favour of the petitioners in order to meet the ends of justice.”

2. According to the counsel for the petitioners, the respondents, with a view to construct Service Reservoirs/Water Tanks across the erstwhile State of J&K and for the purpose to acquire land thereof

from the land owners, formulated a policy to provide employment in lieu of such land donated free of cost to the concerned Department for such construction and in furtherance of the said policy, the petitioners herein donated their proprietary land to the respondents, rendering them entitled for employment and after completing all necessary formalities in this regard, the petitioners legitimately expected that the respondents would act in accordance with the policy and engage them accordingly, however, despite the lapse of considerable time, the petitioners were not engaged despite repeated requests and representations made, compelling them to file the present petition.

3. Learned counsel for the petitioners, while making his further submissions in line with the case setup in the petition, invited the attention of this Court to the Division Bench judgment of this Court passed in the case titled as ***“Chuni Lal Bhagat Vs. State of J&K and Ors.”*** bearing WP(C) No. 682/2018 clubbed with WP(C) Nos. 537/2022 and 538/2022 decided on 17.03.2023, besides the judgment of the Division Bench of this Court passed in ***“Bashir Ahmad Lone Vs. State of J&K and ors.”*** reported in 2009) (1) JKJ 121, wherein it has been held that in case, State Government is unable to provide employment to the appellant in lieu of land taken from the land owners with a view to utilize the same, it shall pay reasonable monthly compensation for use of the land as is determined by Divisional Commissioner from the date possession was taken till date, by holding further that in addition

thereto, the land owner would be also entitled to be paid compensation for acquisition of the land at current market rates.

4. On the other hand, the counsel for the respondents did not deny the taking over of the land of the petitioners or else the passing of the aforesaid judgments by this Court.

Heard counsel for the parties and perused the record.

5. As is manifest from the respective pleadings of the parties noticed in the preceding paras, indisputably the land of the petitioners has been utilized by the respondents for construction of Service Reservoirs/Water Tanks. It also gets revealed from the record available on the file that no acquisition proceedings *qua* the land in question had been undertaken by the respondents, inasmuch as no compensation paid thereof to the petitioners. The taking over of the land in question of the petitioners by the respondents also gets authenticated by the contents of the gift deed placed on record with the petition by the petitioners, executed *inter-se* the petitioners and the Assistant Executive Engineer, Public Health Engineering Department, Division Dharmari Sub-Division Bagga, Tehsil Mahore, District Reasi *qua* the land in question and the execution of which gift deed, inasmuch as, its contents are not been disputed or denied by the respondents.
6. In view of the aforesaid factual position obtaining in the matter, as also having regard to the judgments (*supra*) rendered by the Division Benches of this Court, inasmuch as the issues involved

therein, it is manifestly clear that the said judgments are squarely applicable to the case of the petitioners.

7. Thus, having regard to the directions passed in the judgments (supra), the instant petition succeeds, as a consequence whereof, the respondents are commanded to initiate steps for acquiring the land of the petitioners under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act of 2013 within a period of three months from the date a copy of this order is produced by the petitioners before the respondents. The respondents also shall be liable to pay reasonable compensation to the petitioners for the use and occupation of the land in question from the date the land was taken over by the respondents till the aforesaid acquisition proceedings are initiated and concluded.

8. *Disposed of* along with connected application.

(JAVED IQBAL WANI)
JUDGE

JAMMU
24.12.2025
Ram Krishan

Whether the order is speaking? *Yes*
Whether the order is reportable? *Yes/No*