

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) 429/2025

SANJEEV KUMAR

...Petitioner/Appellant(s)

Through: Mr. Lawanya Sharma, Advocate

Vs.

UT OF J&K AND ORS.

...Respondent(s)

Through: Mr. Vishal Sharma, DSGI for R-5
Ms. Monika Kohli, Sr. AAG for R-1,3,4 and 6

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
23.05.2025

1. Heard.
2. Respondent No. 2-National Highways Authority of India stands deleted/struck off from the array of the respondents as per order dated 21-02-2025. Reply has not been filed by the respondents.
3. It is submitted by the learned counsel for the petitioner that in the facts and circumstances of the case and especially having regard to the relief sought, the matter can be disposed of even at this stage by passing of appropriate directions in consonance with the law which will meet the ends of justice.
4. The case of the petitioner in nutshell is that he is the owner of a patch of land measuring 7 Marlas comprised under Khasra No. 710 min, Khata No. 985/822 and Khewat No. 268/174 min, situated at village Gandharwan, Tehsil Akhnoor, District Jammu (hereinafter referred to as the "subject land" for short). That he was in possession of the subject land until ending 2024, when the construction of a road began and he was informed by some reliable officials that the subject land is being acquired for the road construction. He was assured that

compensation under law shall be paid to him. That when he approached the office of the Deputy Commissioner concerned, he was shown a communication to the effect that proceedings under law stand initiated for acquisition of the subject land. That however, the respondents without completing the acquisition process in respect of the subject land under law with disbursement of compensation to him, unlawfully commenced construction activities on the same. That the act of the respondents is highly violative of his constitutional rights as also repugnant to the principles of natural justice. That as per his information, other land owners whose land also came to be acquired in connection with the construction of the road, have already been paid due compensation under law to his discrimination. That it is a settled legal position that if any person is dispossessed of his land without following the due process of law then not only his land is to be returned to him but he also needs to be compensated for the period during which his land remained under unlawful occupation. That it is also well settled that if the grant of compensation is delayed in a genuine case, the land owner is entitled to the compensation amount along with the interest at the prevalent rates.

5. The petitioner has accordingly prayed for the issuance of writs/directions in the nature of mandamus for *inter alia* directing the respondents to ensure the immediate payment of the compensation in his favour on account of the acquisition of the subject land in connection with the Akhnoor-Poonch Road in the UT of Jammu and Kashmir or in the alternative, return the subject land back to him along with the due rentals for the period the same remained under their forced and unlawful occupation.
6. I have perused the memo of the writ petition and the documents enclosed with the same as annexures thereto. The petitioner is claiming the owner of the subject land on the basis of a Sale Deed. The communication addressed by the Deputy Commissioner, Jammu to the Superintending Engineer (Civil), Commander, Headquarters

13 Border Roads Task Force under No. DCJ/LHS/GEF/ACQ-NHA/TBR-1130/21/2772-73 dated 05-05-2022, on the subject of acquisition of land in the village Gandharwan Mohra Tanda, Tehsil Akhnoor, District Jammu, by the GREF for public purpose i.e., Rehabilitation/Upgradation of Akhnoor-Poonch, National Highway (NH-144A) from existing NHDL Specification to NHDL with paved shoulder specification under Prime Minister Development Package (PMDP), also covers the subject land in its schedule. The petitioner has placed on record a copy of the sale deed also.

7. In the light of facts and circumstances of the case and especially having regard to the relief sought in the petition, this Court is of the opinion that as rightly submitted by the learned counsel for the petitioner, the matter can be disposed of even at this stage by passing such appropriate directions which may meet the ends of justice without effecting the legal interests of the respondents.
8. It is a settled legal position that immovable property of any owner cannot be interfered with or occupied under the garb of the acquisition of the same without formally initiating the process of acquisition. It is the case of the petitioner that his land measuring 7 Marlas falling under Khasra No. 710 min, Khata No. 985/822 and Khewat No. 268/174 min, situated at village Gandharwan, Tehsil Akhnoor, District Jammu, was taken possession of by the respondents in connection with the construction of Akhnoor-Poonch Road, but he has not been still paid compensation in consideration of the same despite repeated assurances.
9. In the backdrop, the instant petition is disposed of at this initial stage with the direction to the respondents to ensure the immediate disbursement of the compensation as per his entitlement under law, in favour of the petitioner on account of the acquisition of his land measuring 7 Marlas falling under Khasra No. 710 min, Khata No. 985/822 and Khewat No. 268/174 Min, situated at village Gandharwan, Tehsil Akhnoor, District Jammu, in connection with the construction of the road, without any undue delay. Respondent No. 3,

i.e., Deputy Commissioner (Collector), Jammu, shall submit a compliance report to the Registry of this Court within a period of four weeks.

10. *Disposed of.*

**(MOHD YOUSUF WANI)
JUDGE**

JAMMU:

23.05.2025

Akshil Dev

