

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

Case No. :- WP (C) No. 584/2025
CM No. 1362/2025

1. Abdul Rahim Sheikh, Age 68 years, S/o Abdul Jabbar; Petitioner(s)
2. Saif Din, Age 55 years, S/o Feroz Din;
3. Javed Ahmed, Age 38 years, S/o Ghulam Hassain;
4. Gulzar Ahmed, Age 40 years, S/o Ghulam Hassan
5. Sher Mohd., Age 48 years, S/o Rustum Sheikh;
6. Asif Iqbal, Age 35 years, S/o Abdul Rahim Sheikh;
7. Hakam Din, Age 45 years, S/o Ghulam Hassan;
8. Sheikh Shafqat Hussain, S/o 33 years, S/o Saif Din.

All are residents of village Gurmul Panchayat
Dhandal, Tehsil Kastigarh, District Doda.

Vs Through: Mr. Azmat Ullah Parihar, Advocate.

1. UT of J&K Th. Respondent(s)
Commissioner Secretary to Govt.,
Rural Dev. Deptt., Civil Secretariat,
Jammu;
2. Deputy Commissioner, Doda;
3. Block Development Officer,
Block Kastigarh, District Doda;
4. Tehsildar, Tehsil Kastigarh,
District Doda;
5. Executing Engineer,
PMGSY, Division Doda;
6. Ghulam Mohd. (Contractor)
C/o RDD Deptt., District Doda.

Through: Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG for
R-1 to 4.
Ms. Nisha Kangotra, Advocate vice
Mr. Ravinder Gupta, AAG for R-5.

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

ORDER(ORAL)
11.03.2025

1. Petitioners through the medium of the instant petition seek the following reliefs:-

“i. Writ of Mandamus, thereby restraining the executing agency especially respondent No. 3 and 5 not to construct road in Khasra No. 1095 as the same will

prove fatal to the flora and fauna especially the precious 100 plus years old deodar tree falling in Khasra No. 1095 and seeding of news plants from deodar family in the said Khasra will be damaged.

- ii. Further writ of Mandamus, thereby directing the respondents to adhere to the approved alignment, if already carried out by the experts for construction of link road in Khasra No. 1092, 1093 & 1096 instead of Khasra No. 1095 from Government Higher Secondary School, Gurmul to Gharn Nalli in revenue village Dhandal, Tehsil Kastigarh, District Doda.*
- iii. Writ of Mandamus, commanding the respondents more particularly respondent No. 4 to demarcate the land bearing Survey No. 1095, 1092, 1093 & 1096 situated at Village Dhandal (Pachayat Dhandal-A) Gurmul, Tehsil Kastigarh, District Doda.*
- iv. Writ of Mandamus, commanding the respondents to initiate the fresh acquisition proceedings under Right to Fair Compensation and Rehabilitation Act 2013 and pay the compensation to the petitioners and other land owners for land and of Deodar trees damaged or coming in the alignment for construction of the link road from Government Higher Secondary School, Gurmul to Gharn Nalli in Revenue Village Dhandal, Tehsil Kastigarh, District Doda along with interest as per the Fair Compensation Act which will be in the interest of justice and fair play.*
- v. Any other writ, order or direction which this Hon'ble Court may deem fit in the given facts and circumstances of the case may also be issued in favour of the petitioners and against the respondents.” सत्यमेव जयते*

2. The grievance of the petitioners is that the respondents have started construction of link road from Government Higher Secondary School, Gurmul to Gharn Nalli in Revenue Village Dhandal, Tehsil Kastigarh, District Doda in the year 2025 and during the said construction, the Rural Development Department has started cutting of Deodars trees. Feeling aggrieved of the same, the petitioner approached the office of respondent No. 2-Deputy Commissioner, Doda by way of a representation, who vide Communication dated 08.01.2025, directed the respondent No. 4-Tehsildar Kastigarh to visit the spot and conduct the joint demarcation of land in question in

coordination with the concerned department and also take appropriate necessary action under rules. Upon the directions of the respondent No. 2, the respondent No. 4 conducted the joint demarcation through Junior Engineer, PMGSY, Panchayat Secretary and submitted a report dated 03.02.2025, in which the respondent No. 4 admitted that due to earth cutting roots of three deodar, willows have gone hollow, due to which, the petitioners have raised objection to the construction of the said road. The report so filed by the respondent No. 4 further reveals that the inhabitants have no objection regarding construction of the road for Khasra Nos. 1093 & 1096, but the executing agency despite repeated requests is hell bent to raise construction in Khasra No. 1095.

3. The further fact of the matter is that the petitioners thereafter approached the respondent No. 4 by way of an application dated 05.02.2025, with a prayer to demarcate the Khasra No. 1095, as the contractor on spot was carrying of his work continuously in the same Khasra No. 1095, instead of Khasra Nos. 1092, 1093 & 1096. However, the same was not accorded consideration by the respondent No. 4. Thereafter, the petitioners filed a representation/application before the respondent No. 2 for the illegal construction of road and requested him for demarcation of land comprising Khasra No. 1095 situated at Revenue Village Dhandal, Tehsil Kastiragh, Doda, but till date, nothing fruitful has been done by the respondent No. 2.

4. Feeling aggrieved of the inaction on part of the respondents, the petitioners have approached this Court by way of instant petition.

5. After arguing for a while, learned counsel for the petitioners submits that the petitioners would feel satisfied, in case, the instant petition is disposed of by directing the respondent No. 2-Deputy Commissioner, Doda to accord consideration to the representation(s) filed by the petitioners within some reasonable time.

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

7. Issue notice.

8. Ms. Chetna Manhas, Assisting counsel to Mrs. Monika Kohli, Sr. AAG waives notice on behalf of respondent Nos. 1 to 4 and Ms. Nisha Kangotra, Assisting counsel to Mr. Ravinder Gupta, AAG for respondent No. 5. They submit that the respondents have no objection in disposal of the instant petition at this stage in case, a direction is issued to accord consideration to the representation(s) filed by the petitioners strictly in accordance with the rules and as per law.

9. With the consent of learned counsel for the parties and keeping in view the facts and circumstances of the case, the instant writ petition is disposed of, at the threshold, with a direction to the respondent No. 2-Deputy Commissioner, Doda to consider the representation(s) of the petitioners strictly under rules and as per law and pass a consideration order within a period of six weeks from the

date, a certified copy of this order is made available to the said respondent along with the writ petition and annexures appended thereto.

10. *Disposed of*, as above alongwith connected application.

(Wasim Sadiq Nargal)
Judge

JAMMU
11.03.2025
Ram Krishan

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

