

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

**Case:- WP(C) No. 1017/2023
CM No. 2423/2023**

*Date of Pronouncement:- 30.12.2025
Uploaded on:- 01.01.2026*

Jasveer Singh

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

Through:- Mr. Sandeep Singh, Advocate.
V/s

UT of J&K & Ors.

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

Through:- Ms. Jagmeet Kour, Advocate vice
Mr. Raman Sharma, 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 petitioner herein has sought the following reliefs:-

“(a) MANDAMUS:-

Commanding the respondents to engage the petitioner in the department in lieu of taking his land falling under Khasra No. 646/508/14 measuring 01 Kanal for construction of School building in Village Koti, Tehsil and District Doda or in alternative pay compensation to him.

(b) Any other relief, which this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. According to the counsel for the petitioner, the father of the petitioner donated his proprietary land measuring 01 Kanal falling under Khasr No. 646/508/14 situated at Village Koti, Tehsil and District Doda to the respondents for construction of School building of Primary School, Khangana Koti in response to an

assurance that one of the family members of the donor will be provided employment in the department.

3. Learned counsel for the petitioner submits that the Government of Jammu and Kashmir has issued SRO-520 dated 21.12.2017, framing therein the rules being Jammu and Kashmir Casual and other Workers-Regular Engagements Rules, 2017, wherein it has been specifically provided that the land donors, who have donated their land free of cost to the Government shall be eligible for appointment as casual workers and that after completing all necessary formalities in this regard, the petitioner legitimately expected that the respondents would act in accordance with the said SRO and engage him accordingly, however, despite the lapse of considerable period of time, the petitioner was not engaged despite repeated requests and representations made.
4. Learned counsel for the petitioner, 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 land owner/donor in lieu of land taken from the land owner with a view

to utilize the same, it shall pay reasonable monthly compensation for use of the land to be determined by Divisional Commissioner from the date possession was taken, while 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.

5. ***Objections on behalf of respondents 1 to 3*** have been filed to the petition, wherein the petition is being opposed and its dismissal is being sought, *inter-alia*, on the premise that the petitioner has not come to the Court with clean hands and has deliberately suppressed the material facts and that he has failed to produce any documentary evidence or correspondence from the department, indicating a commitment to provide employment.
6. It is further stated that the land was donated voluntarily by the petitioner's father to promote public welfare and educational development in the area and that such donations are made for societal benefit and are not intended to create enforceable obligations on the Government for individual benefits.

Heard counsel for the parties and perused the record.

7. 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 School building of Primary School, Khangana Koti over the land in question, which fact is not denied by the respondents. 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.

8. 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 petitioner.
9. 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 petitioner before the respondents and the respondents shall also be liable to pay reasonable compensation to the petitioner 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.
10. *Disposed of* along with connected application.

(JAVED IQBAL WANI)
JUDGE

JAMMU
30.12.2025
Ram Krishan

<i>Whether the order is speaking?</i>	<i>Yes/No</i>
<i>Whether the order is reportable?</i>	<i>Yes/No</i>