

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

Case:- WP(C) No.1735/2021
CM No.6689/2021

**Bodh Raj, C/O M/s Hotel JMK
International**

..... Petitioner(s)

Through: Mr. Samarjeet Singh, Advocate vice
Mr. Prithvi Raj Dogra, Advocate

Vs

UT of J&K

.....Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
(27.10.2025)**

1. The institution of this writ petition by three writ petitioners is not on joinder of the causes of action but on account of the fact that the three petitioners came to be subjected to suffer in their respective status the effects of communication No.**DC/Rsi/SM/778-80** dated **14.12.2020**, issued by the respondent No.2 i.e., Assistant Labour Commissioner, Reasi, to the respondent No.3 i.e., Tehsildar, Assistant Collector, 1st Class, Katra, District Reasi, for effecting recovery against the named individuals as mentioned in the communication by resorting to section 92 of the J&K Land Revenue Act, Svt., 1996.

2. The petitioner No.1-Sh. Bodh Raj, figured at serial No.15, petitioner No.2-Sh. Krishan Singh, figured at serial No.1 and the petitioner No.3-Sh. Madan Lal, figured at serial No.6 in said communication. The basis for issuance of the aforesaid communication by the respondent No.2-Assistant Commissioner (Revenue), Reasi, to respondent No.3 i.e., Tehsildar, Assistant Collector, 1st Class, Katra, District Reasi, was a preceding communication from the Assistant Labour Commissioner, Reasi, in terms whereof, some payments were due not only from the petitioners' end but also from the end of persons as mentioned in the communication No.**DC/Rsi/SM/778-80** dated **14.12.2020**,
3. Three petitioners came to be individually notified by respondent No.3-Tehsildar, Assistant Collector, 1st Class, Katra, District Reasi in December 2020.
4. The petitioners came forward with the institution of present writ petition filed on **18.08.2021** on being chased by said recovery proceedings initiated by respondent No.3.
5. All the three petitioners joined together to come forward with the present writ petition, assailing the purported course of action at the end of the respondents by highlighting the grounds in paragraph (7) stating that the petitioners are least aware of any such basis for affecting the purported recoveries against them and having no iota of notice whatsoever served by the Assistant Labour

Commissioner, Reasi, to notify the petitioner as on what pretext the purported recoveries were intended against the petitioners.

6. The respondent No.4-Assistant Labour Commissioner, in his reply/response to the writ petition has referred that the intended recoveries were by reference to the Building and Other Construction Workers Welfare Cess Act, 1996, without disclosing in his reply as to how each and every person as named in the communication No.**DC/Rsi/SM/778-80** dated **14.12.2020**, issued by the respondent No.2 to respondent No.3 was held liable for the said amount of Rs. 2,00,000/- against each of the persons mentioned. If the respondent No.3, in his reply/response to the writ petition is not disclosing the basis of action at his end to this Court then it is a matter of easy guess for anybody to reckon as to how the petitioners would have felt prejudiced by being ignorant of the basis of the legal proceedings being initiated against them.
7. In light of this situation, this Court allows the writ petition by setting aside the impugned recovery proceedings against the petitioners intended on the basis of the communication No.**DC/Rsi/SM/778-80** dated **14.12.2020**, and leave it to the Assistant Labour Commissioner, Reasi to act in due compliance of law by individually notifying the petitioners as to on what count, the petitioners are to be held liable for the recovery of

money against each one of them and affording them an opportunity of explaining their respective position and then proceed further in the matter in accordance with law.

8. ***Disposed of.***

(RAHUL BHARTI)
JUDGE

JAMMU
27.10.2025
Sneha

Whether the order is speaking? Yes/No

Whether the order is reporting? Yes/No

