

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

Case:- WP(C) No. 2231/2023

Date of Pronouncement:- 19.11.2025

Uploaded on:- 24.11.2025

Reeta Devi

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

Through:- Mr. Adeep Singh Bandral, Adv.
V/s

UT of J&K & Ors.

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

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

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

ORDER(ORAL)

19.11.2025

1. Through the medium of this petition, the petitioner has sought the following reliefs:-

“(a) Mandamus, commanding the respondents to engage the petitioner as Daily Wager in lieu of taking his land falling under Khasra No. 1079/579 measuring 01 Kanals for construction of water tank in village Gajoth, Tehsil Bhaderwah, District Doda or in the alternative, pay compensation to her.

(b) Any other writ, order or direction, which this Court may deem fit and proper in the circumstances of the case.”

2. According to the counsel for the petitioner, the husband of the petitioner provided his proprietary land measuring 01 Kanal falling under Khasra No. 1079/579 min. situated at Village Gajoth, Tehsil Bhaderwah, District Doda to the respondents for construction of water tank and a gift deed as well was duly got executed by the respondent 4 on behalf of department with the said husband of petitioner and that after execution and registration

of the gift deed, the respondents constructed a water tank upon the said land in question and, therefore, at the time of taking the said land, the husband of the petitioner was assured that an employment would be provided to one of the family members, which however was not done and no compensation as well in lieu of the land was paid, resulting into filing of the instant petition.

3. According to the learned counsel for the petitioner, respondents have already issued orders of engagement of many other land donors, who have provided their land for construction of water tank, but the name of the petitioner has been excluded there from the list of such land owners without any valid reason.
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 a Division Bench judgment 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.

With a view to fortify his claim, learned counsel for the petitioner has also placed reliance on 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, it shall pay reasonable monthly compensation for use of the land is determined by Divisional Commissioner from the date possession was taken till

date, by holding further that in addition, the appellant would be entitled to be paid compensation on acquisition of the land to be done at current market rates.

Heard counsel for the parties and perused the record.

5. As is manifest from the respective pleadings of the parties noticed in the proceeding paras, indisputably the land of the petitioner has been utilized by the respondents for construction of water tank. 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, in as much as, any compensation paid thereof to the petitioner. The taking over of the said land of the petitioner by the respondents also gets authenticated by the contents of the gift deed placed on record with the petition by the petitioner executed *inter-se* the petitioner and the Assistant Executive Engineer, Public Health Engineering Department, Sub Division Bhaderwah 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 petitioner.
7. Having regard to the aforesaid position, the instant petition succeeds, as a consequence whereof, the respondents are

commanded to initiate steps for acquiring the land of the petitioner 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 of receipt a copy of this judgment and order is produced by the petitioner before the respondents. The respondents also shall 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.

8. *Disposed of* along with connected applications, if any.

(JAVED IQBAL WANI)
JUDGE

JAMMU
19.11.2025
Ram Krishan

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