

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

RP No. 110/2023
In
WP(C) No. 2044/2022

Om Parkash and Ors.

....Petitioner(s)/Appellant(s)

Through: - Mr. Sunil Sethi, Sr. Advocate with
Mr. Parimoksh Seth, Advocate

V/s

Tilak Raj and Ors.

....Respondent(s)

Through: - Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Mr. Ravinder Gupta, AAG

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

19.09.2025

1. The present Review Petition has been filed under Section 114 read with Order 47 of the Code of Civil Procedure, 1908, and Rule 65 of the J&K High Court Rules, seeking review of the judgment and order dated 14.08.2023 (for short "*impugned order*") passed by this Court in WP(C) No. 2044/2022.
2. By the order dated 14.08.2023, this Court disposed of the writ petition on the basis of the stand taken by the official respondents that during construction of the road they would ensure that no damage is caused to the land or crops of the writ petitioner.
3. The petitioners have sought review of the impugned order primarily on the following grounds:

i. That the writ petitioner (respondent no.1 herein), in order to block restoration of a culvert which had existed since 1960s for facilitating natural flow of rain water from the land of the petitioners and other adjoining landowners, filed the writ petition suppressing material facts. The said culvert had been dumped beneath the road debris (*mulba*), but this factual position, though specifically projected by the official respondents, escaped consideration while passing the impugned order.

ii. That due to the impugned order, the official respondents are not restoring the culvert, resulting in grave damage to the agricultural land of the petitioners and other inhabitants, as the rain water has no outlet and accumulates in their fields.

iii. That several documents annexed by the petitioners, including correspondence dated 08.06.2021, 09.06.2022, 25.06.2022, Panchayat resolution dated 30.06.2022, and correspondence dated 25.09.2022 addressed to the Deputy Commissioner, Jammu, supporting their claim of existence and necessity of the culvert, appear to have escaped notice of this Court.

iv. That the non-restoration of the culvert has led to concentration of rainwater into the lands of the petitioners, thereby causing continuous damage to their crops.

4. Respondents 2 to 5 have filed objections stating that this Court, vide order dated 14.08.2023 had restrained the discharge of water into the fields of respondent no.1, and to resolve the issue it was proposed that a low-level drainage water crossing be constructed at the disputed site to restore the natural flow of water. It is submitted that the matter remains sub judice and that completion of the road is being delayed, despite demands from the public for smooth vehicular movement. It is further submitted that upon inspection on 08.01.2024, it was found that no culvert exists at the site.

5. Respondent no.6 has also filed objections supporting the stand that the culvert had existed since the 1960s but was dumped during construction of the Badyal Brahmana–Kadyal link road in 2011–12. The respondent states that restoration of the culvert is necessary not only to prevent rainwater logging in the adjoining agricultural lands but also to safeguard the

road itself from erosion. The responsibility for restoration lies with the official respondents and not with respondent no.6.

6. I have heard learned counsel for the parties and perused the record.

7. A perusal of the impugned order shows that the writ petition was disposed of on the assurance of the respondents that while constructing the road they would ensure that no damage is caused to the crops or land of the writ petitioner. The grievance of the writ petitioner thus, stood redressed by such assurance.

8. Respondents 2 to 5 have specifically stated in their objections to the review petition that a proposal has already been made to construct a low-level drainage water crossing at the disputed site to restore the natural water flow and to minimize the damage both to the writ petitioner as well as to the review petitioners.

9. The grievance of the writ petitioner in the main petition was that water was being discharged into his land, which could damage his crops. On the assurance of the respondents, directions were issued accordingly. It is evident that the official respondents are taking steps to resolve the matter and status quo is being maintained.

10. In view of the above discussion, I find that the petitioners have not been able to demonstrate any error apparent on the face of record or any circumstance falling within the limited scope of review jurisdiction under Section 114 CPC read with

Order 47 Rule 1 CPC. The record shows that the grievance of both parties has been duly noted, and the official respondents have already undertaken to adopt remedial measures, including the proposal of a low-level drainage crossing to restore the natural water flow. These steps sufficiently address the concerns raised.

11. The remedy for any subsisting grievance of the petitioners lies not in review of the order, but in pursuing appropriate remedies before the competent forum in accordance with law, if the need arises.

12. Accordingly, finding no merit, the Review Petition stands **dismissed**.

(VINOD CHATTERJI KOUL)
JUDGE

JAMMU
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19.09.2025