

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

WP(C) No. 2718/2021  
CM No. 9235/2021

Date of pronouncement : 04.11.2025  
Uploaded on : 06.11.2025

Gh. Qadir Wani

....Petitioner

Through:- Mr. Arjun Singh Raju, Advocate.

**V/s**

UT of J&K & Ors.

.....Respondents

Through:- Ms. Monika Thakur, Assisting Counsel  
vice  
Mr. Ravinder Gupta, AAG.  
Mr. Bhanu Jasrotia, GA.

**CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**  
**JUDGMENT (ORAL)**

**01.** The cause of action for the petitioner to approach this Court with the present writ petition filed on 09.12.2021 was issuance of an Order No. CLA/SDMR/21/30-34 dated 18.10.2021 by the Collector Land Acquisition (Sub-Divisional Magistrate), Ramsoo, in terms whereof a recovery for an amount of Rs. 1,10,590/- under section 91 of the J&K Land Revenue Act, Svt., 1996 was directed to take place against the petitioner in the context of the facts and circumstances as set

out in the order. Furthermore, said Order No. CLA/SDMR/21/30-34 dated 18.10.2021 also declined the claim of the petitioner for payment of Rs. 1,29,410/-.

**02.** Thus, Order No. CLA/SDMR/21/30-34 dated 18.10.2021 purportedly dealt a dual blow to the petitioner, one of denial of his claim for an amount of Rs. 1,29,410/- and on the other hand exposing him to suffer recovery of Rs. 1,10,590/- under the recovery mechanism envisaged in terms of J&K Land Revenue Act, Svt., 1996.

**03.** The petitioner came to this Court assailing the course of action at the end of Collector, Ramsoo.

**04.** The ground of challenge to the course of action is that without putting the petitioner to any prior notice and affording him a right of hearing, the petitioner has been put to suffer a penal effect Rs. 1,10,590/- to be recovered from him.

**05.** A bare perusal of the impugned order would show that there is no recital worth name made by the Collector Land Acquisition (Sub-Divisional Magistrate), Ramsoo stating that the petitioner was duly notified to appear and show cause with respect to refund of amount of Rs. 1,10,590/- in the context as set out in the order itself.

**06.** In the light of this lacuna attending the impugned order and course of action at the end of the Collector Land

Acquisition (Sub-Divisional Magistrate), Ramsoo, this Court is inclined to allow the writ petition by setting aside the Order No. CLA/SDMR/21/30-34 dated 18.10.2021 with a corresponding direction to the Collector Land Acquisition (Sub-Divisional Magistrate), Ramsoo, that in case he intends the recovery of Rs. 1,10,590/- to be effected against the petitioner, then due course of law be resorted to which is by putting petitioner to show cause, inviting response from the petitioner's end, granting him an opportunity of hearing and then pass an order bearing reasons, be it in favour or against the petitioner.

**07.** This writ petition is, accordingly, **disposed of** along with connected application(s) by setting aside the impugned order and directing the Collector land Acquisition (Sub-Divisional Magistrate), Ramsoo to act as directed.

**08.** The record produced is returned back.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**04.11.2025**

*Bunty*

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No