

Supplementary List-1
Serial No. 113

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

WP(C) No. 2981/2025

Abdul Qayoom

.....Petitioner

Through: Mr. M. K. Sharma, Advocate

Vs

UT of J&K and others

.....Respondents

Through:

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

ORDER
(29.10.2025)

01. The petitioner – Abdul Qayoom, through the medium of this writ petition, is seeking a *writ of mandamus* to be issued to the respondents for directing release of the purported outstanding amount of compensation in respect of the structure of the petitioner constructed by him upon the land under khasra No. 263, with interest @ 12% per annum from 19.02.2011 till the date of actual payment with a further direction for release of structural compensation of **Rs. 7,06,157/-** as admitted payable in terms of letter dated **04.01.2013** with interest @ 12% per annum from 04.01.2013 till the date of actual payment.

02. Before this Court comes to accord *dismissal* in lumine to this writ petition, few essential facts needs to be set out.

03. By virtue of a land acquisition award passed in February, 2011, the petitioner is said to have received payment of compensation of **Rs. 5,83,625/-**. Said compensation was relatable to his land measuring 5.8 kanals in khasra No. 263 of village Gundi, Ramban upon being acquired for Rehabilitation of Displaced Families.

04. After having accepted said compensation, the petitioner, later on, in January, 2013, is said to have made a further claim for assessment of compensation related to the house structure, which as per the District Superintendent Engineer, PWD (R&B) Circle Doda, in terms of his communication **No. DSED/R&B/DB/10140-41** dated **04.01.2013** addressed to the Collector Land Acquisition (Additional Deputy Commissioner), Ramban, was for **Rs. 5,14,000/-** on the basis of the cost assessment of the structure by the Executive Engineer concerned.

05. Even if the aforesaid communication of the District Superintendent Engineer, PWD (R&B) Circle Doda is to be taken to be a genuine one with a genuine subject matter relatable to the petitioner's claim, still from 2013 onwards, the petitioner did not act further to reinforce his said claim but only when in September, 2023, a communication No. **SDM/G/801-02** dated **22.09.2023** came to be managed from the Sub-Divisional Magistrate (SDM), Gool to the Deputy Commissioner, Ramban, thereby seeking an

amount of **Rs. 7,06,157/-** for enabling its payment by reference to the petitioner, the petitioner came with the present writ petition.

06. In this communication dated 22.09.2023, which is annexed with the present writ petition, there is no recital as to wherefrom the Sub-Divisional Magistrate (SDM), Gool came confronted with a situation to address said communication from his end to the Deputy Commissioner, Ramban in the sense as to whether the petitioner had made any such application before the Sub-Divisional Magistrate (SDM), Gool or there was a direction from the Higher Authorities concerned to take the pending claim of the petitioner to its logical end by reference to the communication of the District Superintendent Engineer, PWD (R&B) Circle Doda.

07. Thus, there is no doubt to the fact that the Sub-Divisional Magistrate (SDM), Gool of the time generated the communication without any basis from the record at his office end and thus exercised his authority in a mala fide manner to generate proof in favour of the petitioner for enabling him to come up with the writ petition in October, 2025, almost after a period of two years, to lay claim that payment of **Rs. 7,06,157/-** is due and payable in his favour.

08. The writ petition is held to be frivolous and misconceived and is, accordingly, **dismissed** with a direction to the Deputy Commissioner, Ramban to set up an enquiry against the Sub-Divisional Magistrate (SDM), Gool of the time, who addressed

communication No. **SDM/G/801-02** dated **22.09.2023** for the purpose of enabling its use by the petitioner in the matter of filing the writ petition so as to show the genuineness of his claim.

09. The enquiry is to be completed by the Deputy Commissioner, Ramban and enquiry report to be submitted to the Registrar Judicial, Jammu by or before **31st March, 2026**.

10. Upon filing of the requisite enquiry report by the Deputy Commissioner, Ramban, the said report to be placed on record of the present file.

11. A copy of this order be forwarded to the Deputy Commissioner, Ramban by the Registrar Judicial, Jammu for the sake of notice and compliance.

12. ***Dismissed.***

(RAHUL BHARTI)
JUDGE

JAMMU
29.10.2025

Bunty

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No