

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

WP(C) No. 4156/2019

c/w

CCP(S) No. 730/2019

Pyar Singh

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

Through: Mr. Mohd. Latif Malik, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

20.08.2025

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1. The order passed by this Court on 09.07.2025 has not been complied with by the respondents.
2. Mr. Ravinder Gupta, learned counsel for the respondents seeks some time to comply with the aforesaid order.
3. In the interest of justice, last and final opportunity of one week is granted to the respondents to file status report in terms of order already passed by this Court on 09.07.2025, failing which, Chief Engineer, PWD, Division-III, Bikram Chowk, Jammu shall remain present before the Court through virtual mode at the first instance on the next date of hearing.
4. List on **02.09.2025**.

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5. The instant contempt petition arises out of the interim order dated 06.11.2019 passed by this Court, by virtue of which the respondents

have been ordered not to interfere with the property in question, except, in accordance with law.

6. Mr. Ravinder Gupta, learned AAG appearing on behalf of the respondents has filed a compliance report, in which the respondents have taken a specific stand in para 8 of the compliance report filed on 30.06.2021. For facility of reference the same is reproduced as under:-

“8. That the humble respondent respectfully submits that in respectful compliance to the directions dated 06.11.2019, the answering respondent called for a report from the concerned Assistant Executive Engineer, who in his report submitted that no land of the petitioner yet has been taken for construction of road and no demolishing work has also been taken up by the department at the residence of the petitioner. It is respectfully submitted that the road cannot be widened equally on both sides from the centre line of the road because on other side there is an irrigational canal and thus only one side widening is possible to proceed in the proposal as per the site conditions. It is respectfully submitted that till date no portion of the land of the petitioner has either been acquired for the construction of road nor any construction activity from the house of the petitioner onwards is under execution. It is pertinent to mention here that the Tehsildar Marh vide communication bearing No. 2882-83 dated 31.05.2021 and NO. 3531-32 dated 12.06.2021 has been requested to direct the concerned staff for joint inspection of the site for verification of the title of land and area of land coming under the road alignment along with field staff of the Division, so that the requisite indent by the competent authority for acquisition of land is placed for initiating the acquisition process by the Executive Engineer, PWD(R&B) Const. Div-III Jammu. It is respectfully submitted that only after the due process of law is adopted, the requisite award is published/issued and awarded amount is deposited with the Collectorate for further disbursement to the rightful claimants, the work of the construction of road on petitioner's land/land of any other land holder which would be coming under the road alignment as per the award would be executed. Copy of the communication bearing No. 2882-83 dated 31.05.2021 and No. 3531-32 dated 12.06.2021 are enclosed and the same are marked as Annexure-R1 Collectively.

It is respectfully submitted that as submitted hereinabove as per the report of the Assistant Executive Engineer, no land of the petitioner yet has been taken for construction of road and no demolishing work taken up by the department. The petitioner herein is trying to mislead the Hon'ble High Court only to

involve the answering respondents in contempt petition and wasting the precious time of the Hon'ble High Court.

In this view of the matter, the question of wilfully, intentionally and deliberately disobeying the order passed by the Hon'ble Court does not arise. Accordingly, the present Contempt petition has been rendered infructuous and is liable to be dismissed.

7. Thus, in light of the stand taken by the respondents in para 8 of the compliance report dated 30.06.2021, this Court is of the considered view that no fruitful purpose shall be served by keeping the instant contempt petition alive, as the order passed by this Court mentioned supra, by way of an interim order, stands complied with and even the learned counsel for the petitioner has also agreed to that extent.

8. **Accordingly, proceedings in the instant contempt petition are closed. Rule, if any, shall stand discharged.**

(WASIM SADIQ NARGAL)
JUDGE

Jammu
20.08.2025
Sahil Padha