

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

Case: OWP No. 1762/2017

Romesh Chand and Ors.

..... Petitioner(s)

Through :- Mr. Virender Bhat, Advocate

Vs

State of J&K and Ors.

.....Respondent(s)

Through :- Ms. Sagira Jaffar, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R- 1 to 3
Ms. Pallavi Sharma, Advocate vice
Mr. Ravinder Gupta, AAG for R-4

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

**ORDER
07.02.2025**

01. Through the medium of the instant petition, the petitioners are seeking direction against the respondents to provide road about 350 meters in length and 25 feet in width to the petitioners' locality on the ground that the petitioners and other residents of lower Belicharana did not have any access to their residential and landed property and with a view to fortify his claim, learned counsel for the petitioners has placed on record site plan and the relevant record as well. Since there was no road connectivity to the houses of residents of lower Belicharana, the instant petition was preferred.

02. Record reveals that the instant petition was listed before this Court on 22.11.2024 whereby, it has been observed by the Coordinate Bench of this

Court that in so far as the grievance of the petitioners projected in the instant petition was concerned, the same stood redressed wherein the direction sought against the respondents to provide access to their locality at lower Belicharan Jammu stood redressed. However, with a view to redress the grievance of the petitioners regarding access to their fields, the concerned department i.e. Jal Shakti and Irrigation Department was directed to explore the possibility of constructing the access to the fields of the petitioners and in the aforesaid backdrop, Mrs. Monika Kohli, learned Sr. AAG appearing on behalf of the respondents sought time to have instructions in the matter by reporting compliance to the aforesaid order dated 22.11.2024. Pursuant thereto, the respondents have filed a compliance report on 01.02.2025, a perusal whereof reveals that in compliance to the aforesaid direction dated 22.11.2024 regarding spot inspection of the area to ascertain the accessibility to the fields of the petitioners and the said committee after inspecting the spot has reported in the following manner:-

“The petitioner is demanding 2 No. culverts on Disty No. D-9A, at Belicharana Jammu. As per the factual position at site it has been ascertained that already a culvert exists at the said spot providing access to the houses as well as fields of the petitioner. As per the government rules in vogue, no culvert can be provided to a single beneficiary. However, if request for culvert is submitted, No Objection Certificate can be considered under rule to construct the culvert as per terms and conditions of the department, at the risk and cost of the petitioner.”

03. Learned counsel for the petitioners after going through the report of the committee fairly submits that in so far as the grievance of the petitioners in the instant petition is concerned stands redressed. However, he submits that he be given liberty to challenge the aforesaid report in so far as his other grievance to the extent of providing access to the fields of the petitioners is concerned.

04. Since the grievance projected in the instant petition stands redressed, no fruitful purpose will be served to keep this petition alive and, accordingly, the proceedings in the instant petition are closed and the instant petition is, accordingly, disposed of in light of the stand taken by the respondents with particular reference to the report of the committee, which has been placed on record while filing the compliance report.

05. The writ petition is *disposed of* in the manner indicated above along with all connected application(s).

06. However, petitioners are at liberty to challenge the report of the committee in so far as the grievance of providing the access to the fields is concerned.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
07.02.2025
Mihul