

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

**WP(C) 145/2024
CM(252/2024)**

Bashir Ahmad Paddar And Anr. ...Petitioner(s)

Through: Mr. Ahmad Javid, Advocate.

Vs.

**Union Territory of J&K and ...Respondent(s)
Others.**

Through: Mr. Jahangeer Ahmad Dar, GA.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
09.10.2025

01. Before coming with the institution of the present writ petition filed on **23.01.2024** whereby the two petitioners aimed to earn the writ reliefs, the petitioners had already filed a civil suit on file No. **523/N** on **15.11.2014** before the court of Sub Judge (Special Mobile Magistrate), Anantnag against the then State of Jammu & Kashmir and its officials for a declaration with consequential relief of mandatory injunction purportedly on the cause of action that their ownership land measuring 1.10

kanal falling in survey No. 151 at Tanjiloo Checki Wangun, Qazigund had come to be appropriated by the Government for the purpose of digging a borewell for water supply scheme at Tanjiloo Checki Wangun but without compensating the petitioners for the loss of their proprietary land or by providing them employment in lieu thereof. The writ reliefs claimed are as under:

- a. WRIT OF MANDAMUS, commanding upon the respondents to process the petitioners either for compensation to which they are entitled in lieu of their land which the department has occupied for construction of borewell at Tanjiloo Checki Wangun or for providing job to them as provided to similarly situated persons.*
- b. WRIT OF MANDAMUS, commanding upon the respondents to give the same treatment as has been given to the other similarly situated persons by way of providing jobs to one of the family members of the petitioners and further petitioners be given compensation with regard to the apple fruit trees in number 37 and 03 walnut trees without any further delay.*

02. Said civil suit filed by the petitioners before the court of Sub Judge (Special Mobile Magistrate), Anantnag came to be decreed on **05.05.2017** against which the civil first appeal preferred by the defendants/judgment debtors is also said to have failed.

03. Be that as it may, for the reasons best known to the petitioners, they came forward with the present writ petition literally asking for the identical reliefs for which they had already earned a decree in their favour, but with an additional relief being added that they be compensated for loss of apple trees numbering thirty-seven (37) and three (03) walnut trees which came to be allegedly damaged on account of appropriation of their proprietary land of 1.10 kanal in khasra No. 151.

04. This Court came to confirm from Mr. Jahangir Ahmad Dar, learned Government Advocate that way back in the year 2014 an amount of Rs. 99,142/- had come to be paid to Mohammad Abbas Padder-the petitioner No. 2 on account of fruit bearing trees having suffered damage on account of digging operation for the purpose of setting up

borewell and that payment was duly credit into the account of payee-Mohammad Abbas Padder/the petitioner No. 2.

05. Mr. Jehangir Ahmad Dar, learned Government Advocate has further submitted and is making a statement at the bar that the very site of 1.10 kanal of land of the petitioner in khasra No. 151 has been abandoned by the Government amounting to surrender of the same in favour of the petitioners on account of failure of the boring operation and that the land is available for the petitioners to continue to be owner in possession of the same and the compensation on account of damage whatsoever caused to the standing trees at the relevant point of time stood paid to them.

06. In the light of the facts and circumstances of the case so obtaining, this writ petition is thus disposed of in the light of the aforesaid and the petitioners shall have the resumption of the land in reference i.e. 1.10 kanal in village Tanjiloo Checki Wangun, Qazigund in their ownership and possession to the exclusion of the Government and/or any of its authorities/ establishment on any

pretext whatsoever and further the decree passed by the civil court in the civil suit filed by the petitioners shall also merge in the present order.

07. Disposed of.

**(RAHUL BHARTI)
JUDGE**

SRINAGAR:

09.10.2025

"HAMID"

