

Sr. No.03
Regular List

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

CM No.2078/2025

In

CCP(D) No.02/2024 in LPA No.03/2021

RAJA YOUSUF & ANR.

...APPLICANT(S)

Through: Mr. J. H. Reshi, Advocate.

Vs.

MR. GULZAR AHMAD BHAT

...RESPONDENT(S)

Through: Mr. Ilyas Nazir Laway, GA.

CORAM:-

**HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE**

**(ORDER)
15.04.2025**

1. This Court vide judgment dated 12th April, 2023, disposed of LPA No.03/2021 in terms of the following directions:

“Accordingly, the Collector is directed to proceed to make the formal reference to the competent Court as regard the claim of the appellants for enhancement of compensation under Section 18 of the J&K State Land Acquisition Act, 1990 in terms of the observations made above, and if the Collector to makes the reference to the competent Court, the Court will proceed with the reference in accordance with law keeping in mind the enhanced compensation given to similarly situated villagers who were covered under the same award dated 01.06.1999 in subsequent proceedings after reference was made in CIA No.11 of 2010, CIA No.12 of 2010.”

2. An application bearing CCP(D) No.2/2024 was filed by the applicants for initiating contempt proceedings which was closed by this

Court after taking note of the submission made by Mr. Laway that in compliance to the judgment dated 12th April, 2023, a formal reference has been made before the learned Principal District Judge, Srinagar, and the same is pending adjudication before the said Court. This Court had also granted liberty to the applicants to get the contempt petition revived in the event the statement made by the learned counsel appearing for the respondent is found to be incorrect.

3. The instant application has been filed by the applicants for revival of the contempt petition on the ground that the respondent has filed objections in the Reference Court and has sought rejection of the aforesaid reference on the grounds taken in the SLP which stands dismissed by the Hon'ble Supreme Court leaving the legal questions, if any, raised therein open to be decided in some other/better case.

4. There were two directions issued in judgment dated 12th April, 2023. The first direction in respect of making reference stands complied with and now it is for the Reference Court to consider the issue of enhancing the compensation by taking into consideration the enhanced compensation given to similarly situated villagers who were covered under the same award dated 01.06.1999 in subsequent proceedings after reference was made in CIA No.11 of 2010 and CIA No.12 of 2010.

5. Merely filing of the objections to the reference does not amount to violation of the judgment passed by this Court and it is for the Reference Court to pass order in accordance with law. Accordingly, we do not find any reason to revive the contempt petition and, as such, the present application is dismissed.

(MOHD. YOUSUF WANI)
JUDGE

(RAJNESH OSWAL)
JUDGE

Srinagar;
15.04.2025
"Bhat Altaf-Secy"