

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CCP(S) 99/2022
In OWP 71/2013
CM(2649/2023)

Ghulam Mohi Ud Din Khanday And ...Petitioner(s)
Ors.

Through: Mr. Rizwan Ul Zaman, Advocate.

Vs.

Mr. Vijay Kumar Bidhuri & Ors. ...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

25.11.2025

01. The instant contempt petition arises out of an order/judgment passed by the writ Court on 29.05.2014 in OWP No. 70/2013, by virtue of which, the writ petition preferred by the petitioners was disposed of in the following manner:

"Respondents, though given opportunity to oppose admission, have opted not to file reply. Their right to file reply is, accordingly, forfeited.

On consideration I find a case made out for admission. Petition is, accordingly, admitted to hearing and disposed of with a direction to respondents to accord consideration to the assessment and release of compensation whatever payable to petitioner on account of taking over of plot of land measuring 05 kanals and 13 Marlas comprising survey no.254, situated at Mamal Pahalgam, District Anantnag in connection with construction of tanker.

Respondents shall complete the exercise within six weeks from the date receipt of copy of this order.

Petitioner would be free to handover copy of petition along with copies of its annexures and any other material to respondents to facilitate early disposal of the matter.

Disposed of."

02. Since the aforesaid order was not complied with by the respondents within the time so granted by the writ Court, the petitioners came forward with the institution of the present contempt petition, in which notice to the respondents was issued on 26.03.2022.

03. The record reveals that the respondents have filed various statement of facts and the latest one on 26.02.2025.

04. The respondents while filing the latest statement of facts, have taken a specific stand in Paras 4 to 6 of the statement of facts, which for facility of reference are reproduced below:

"4. That the Tehsildar Pahalgam submitted a detailed report with regard to Khasra number 254 of village Mamal of Tehsil Pahalgam and its adjoining Khasra numbers vide No. TPGM/OQ/24/982 dated 23.12.2024 which conveys:

a. After perusal of revenue record the Khasra No. 254 of village Mamal is recorded in the name of Ghulam Mohiuddin and others measuring 5 Kanals and 13 Marlas as proprietary land.

b. The Khasra No. 254 falls within the perimeters of Khasra No. 252 which is recorded as Gair Mumkin Daryah.

c. As per re-verified demarcation the boundaries of Khasra No.s 252,254,255,256 and 257 of village

Mamal are difficult to identify. Accordingly to demarcate the said patch of land accurately, a reference point from Khasra No. 97 was taken and it was found that the Khasra No.254 of village Mamal is located in the middle of the river Lidder and is completely washed away.

d. Furthermore, the findings were corroborated along with KML images/geo-referenced Lathas which reiterated that the said portion of land is completely washed away in Lidder.

The re-demarcation team further submitted that they are satisfied with the demarcation report submitted by the then Teshildar vide No TPGM/OQ/23/1351 Dated 21-12-2023, reporting that the subject land falling under Khasra No.254 of village Mamal of Tehsil Pahalgam is completely washed away and is located within the boundaries of present river Lidder.

The copy of the report dated 23.12.2024 is annexed herewith for the kind perusal of this Hon'ble Court and marked as Annexure -1.

5. That the report further clarified that the demarcation of Khasra No.254 of village Mamal of Tehsil Pahalgam was conducted manually in the year 2022 which was submitted to Sub-Divisional Magistrate Pahalgam vide letter No: TPGM/0Q/22/134, dated: 27-04-2022. The Khasra number along with its adjoining Khasra number didn't bear physical boundaries on spot due to continuous diluvian, as such it was wrongly concluded that the Khasra number 254 of village Mamal is partially under the park maintained by the PDA Pahalgam. Thereafter, vide the demarcation report bearing No:TPGM/OQ/23/994, dated 20-10-2023 the Tehsildar reported that it seems that

khasra No. 254 is completely washed away and in order to fix the boundaries of Khasra number 254 of village Mamal by way of a proper demarcation on spot, it is necessary that a team of experts equipped with ETS Machine be framed through the office of RDSLR, as the same is not possible manually Accordingly the demarcation was conducted with ETS and the report was submitted vide No: TPGM/OQ/23/1351, dated:-21-12-2023 whereby it was reported that the Khasra No. 254 is completely washed away by the adjoining river Lidder.

6. That in view of the re-verification report submitted by the Tehsildar Pahalgam it is once again submitted that the subject matter of the present petition is completely washed away by the adjoining river Lidder and is located within the boundaries of present river Lidder Nallah."

05. The respondents while filing the statement of facts, have also placed on record re-verification notification of Survey No. 254 of village Mamal, Teshil Pahalgam as Annexure-I to the Statement of Facts and also the map evidencing the fact that the subject land falling under Survey No. 254 of village Mamal, Teshil Pahalgam has been completely washed away and is presently located within the boundaries of river Lidder.

06. Since the order passed by the writ Court was specific to the extent of according consideration to the assessment and release of compensation whatever payable to petitioners on account of taking over of plot of land measuring 05 kanals and 13 Marlas comprising survey no.254, situated at Mamal Pahalgam, District Anantnag, stands complied, as it has been stated in the latest statement of facts that that the subject land has been completely washed away and is presently located within the boundaries of river Lidder, as such, nothing

remains to be adjudicated any further in the instant contempt petition.

07. In view of the above, the instant contempt petition is accordingly *closed*. Rule, if any, shall stand discharged. However, closure of the contempt petition shall not come in the way of the petitioners to agitate their cause afresh by way of appropriate proceedings, if so advised.

(Wasim Sqaadiq Nargal)
Judge

SRINAGAR:

25.11.2025

"HAMID"

