

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

CCP(D) No. 9/2025 in
WP(C) 2809/2022

Manzoor Ahmad Lone

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

Through: Mr. Mir Umer, Advocate

Vs.

Mohammad Aijaz Asad & Ors.

...Respondent(s)

Through: Mr. M. Younis, AC

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

O R D E R
28.11.2025

- 1.** This is a petition for initiating contempt proceedings against the respondents for willful disobedience and non-compliance of the judgment dated 14.12.2022, passed by this Court in WP(C) No. 2809/2022 titled “*Manzoor Ahmad Lone Vs. UT of J&K & Ors.*”, whereby this Court while allowing the writ petition has directed the respondents to consider and take to logical end the case of the petitioner, if any, pending for his engagement under SRO 520 of 2017.
- 2.** This Court also provided that in case it was not possible for the respondents to offer the petitioner engagement under SRO 520 of 2017, then the land shall be acquired in accordance with law.
- 3.** On being put on notice, respondents have filed their statement of facts and have taken a categorical stand that the petitioner had obtained the judgment on 14.12.2022 by suppressing the material fact that in respect of the land, subject matter of the writ petition, the petitioner

had already obtained a decree against the respondents which was pending execution before the Court of Sub Judge (CJM) Budgam.

4. When the learned counsel appearing for the petitioner was confronted with the aforesaid position, he was fair enough to concede that he has now found out that prior to the filing of WP(C) No. 2809/2022, the petitioner had approached the Court of Sub Judge (CJM) Budgam for seeking a decree against the respondents for payment of compensation of the land under the occupation of the latter.
5. He further concedes very fairly the fact that there was already a final decree passed by the Civil Court with respect to the subject land, there was no averment made in the writ petition in this regard. To be fair to the learned counsel appearing for the petitioner, he has virtually conceded that due to suppression of relevant information by the petitioner from him, such plea could not be taken in the writ petition.
6. The land in question is land measuring 1 kanal and 12 marlas comprising under survey No. 477 situated at Waragam Tehsil Beerwah District Budgam and it is this land in respect of which there is already a decree of the Civil Court passed in favour of the petitioner calling upon respondents to pay the petitioner adequate compensation.
7. It is with respect to same land, the writ petition was filed suppressing the fact that there was already a decree passed with respect to the aforesaid land. This Court believed the averments made by the petitioner on affidavit and allowed the petition with a direction to the respondents to either offer the petitioner engagement under SRO 520 of 2017 or pay compensation for the land in terms of Land Acquisition law in-force. Had the petitioner brought it to the notice of the Court

that there was already a decree for payment of compensation in respect of the subject land, the writ petition would not have been entertained nor any order passed therein.

- 8.** From the above, it is evident that the petitioner has obtained the judgment dated 14.12.2022 in WP(C) No. 2809/2022 by suppression of facts.
- 9.** For the aforesaid reasons, the judgment passed by this Court on 14.12.2022, having been obtained by suppression of material facts, is not, therefore, capable of being complied with being nullity in the eye of law.
- 10.** The contempt petition seeking its compliance is therefore grossly misconceived and the same is accordingly dismissed. We, however, make it clear that dismissal of this contempt petition shall not come in the way of the respondents in considering and taking the case of the petitioner, if any, pending for his engagement under SRO520 of 2017 to logical end in accordance with law in lieu of the compensation awarded in terms of the decree passed by the Civil Court.

11. *Dismissed.*

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
28.11.2025
“S.Nuzhat”

