

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

**OWP 958/2017**

**ALI MOHAMMAD GANAI AGE 45 YEARS** ...Petitioner(s)/Appellant(s)  
**S/O GHULAM MOHAMMAD GANAI**  
**R/O NADERGUND, PIRBAGH, SRINAGAR**

**Through:** Mr. Mohammad Ayoub Bhat, Advocate with  
 Ms. Mahajabeen, Advocate

Vs.

1. **STATE OF JAMMU & KASHMIR** ...Respondent(s)  
**THROUGH COMMISSIONER OF THE**  
**RELIEF AND REHABILITATION, CIVIL**  
**SECRETARIATE, SRINGAR/JAMMU**
2. **DY. COMMISSIONER, SRINAGAR**
3. **ASSISTANT COMMISSIONER, REVENUE,**  
**SRINGAR**
4. **TEHSILDAR, CHANNAPORA/NATIPORA**  
**SRINAGAR.**

.....Respondents

5. **MANZOOR AHMAD S/O GH.**  
**MOHAMMAD GANAI,**  
**R/O NADIR GUND PIRBAGH SRINAGAR**

.....Proforma respondent

**Through:** Mr. Alla Ud Din Ganai, AAG

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

**ORDER**

**25-11-2025**

**(ORAL)**

1. The petitioner, through the medium of the present petition filed under Article 226 of the Constitution of India, seeks a writ, order or direction, including one in the nature of certiorari/mandamus, for quashing rejection order No. 297-302/R/DCS/NCRF/Misc/2017 dated 22.06.2017 as being illegal and contrary to Government policy and Government orders. A further direction is sought to the respondents to forthwith pay compensation for the fully damaged residential house and to disburse the same in favour of the petitioner.

2. The brief facts, as narrated in the petition, reveal that due to the devastating floods of September 2014, the petitioner and the proforma respondent were severely affected, and their concrete residential house situated at Nadir Gund, Pirbagh, Srinagar, was totally damaged and rendered uninhabitable.
3. It is stated that the respondent-State has framed a policy for rehabilitation of persons affected by the 2014 floods, including provision of financial aid for reconstruction of damaged structures. The petitioner's case was processed and upon spot verification it was found that the house belonging to the petitioner and the proforma respondent was fully damaged; however, only an amount of Rs. 3,800/-, Rs. 25,000/- and Rs. 20,000/- was released treating the structure as partially damaged.
4. The petitioner continuously represented before the authorities asserting that the residential house was fully damaged. Pursuant thereto, the Tehsildar, Channapora/Natipora, Srinagar submitted a report to the Deputy Commissioner, Srinagar, categorically stating, on the basis of spot verification by the Assistant Executive Engineer, R&B Sub Division Rambagh (vide No. SDR/1149 dated 28.03.2016), that the house was fully damaged and uninhabitable. The report further records that the earlier compensation was paid erroneously treating the structure as partially damaged.
5. The petitioner's grievance is that, despite the above factual position, the compensation payable for a fully damaged residential house has not been released in accordance with Government policy. The

petitioner again preferred a representation before the Divisional Commissioner, Kashmir, which was endorsed to the Deputy Commissioner, Srinagar for appropriate action.

6. It is further pleaded that more than Rs. 6.00 lakhs has been paid to similarly situated persons whose houses had suffered equivalent damage, whereas the petitioner has been discriminated against for no fault on his part. Feeling aggrieved, the petitioner earlier filed OWP No. 303/2017, which was disposed of on 17.03.2017 granting liberty to submit a representation to respondent No. 2 within ten days. Respondent No. 2 was directed to consider the representation expeditiously, preferably within eight weeks.

7. The petitioner accordingly filed a representation, however, the Deputy Commissioner, Srinagar rejected the same vide order dated 22.06.2017. The said order is impugned herein as arbitrary, illegal and without application of mind.

8. Learned counsel for the petitioner vehemently argued that the impugned order violates the principles of natural justice. It is contended that the rejection order merely states that the SOP Committee has not agreed to upgrade the case of the petitioner, but the findings of the SOP Committee have not been disclosed or made known to the petitioner. The petitioner was thus denied access to the material relied upon, despite the fact that the competent authorities had already certified the structure as fully damaged.

9. It is further argued that unilateral reliance on the SOP Committee report is unjustified, particularly when the expert report of the PWD

(R&B) Department unequivocally certifies the house as fully damaged. The impugned order, therefore, lacks legal justification and deserves to be quashed.

10. Reply stands filed by respondents 1 to 4 raising preliminary objections regarding locus standi of the petitioner and seeking dismissal of the petition. Respondents contend that the petitioner's house was only partially damaged in the 2014 floods and compensation was accordingly paid under SDRF norms. Significantly, however, the respondents admit that the report submitted by the Assistant Executive Engineer, R&B Division Rambagh (No. SDR/1149 dated 28.03.2016) records that the petitioner's structure was fully damaged. Respondents state that the matter was placed before the SOP Committee which, after examining the records, recommended no change in status, and therefore the rejection order was issued. Accordingly, respondents seek dismissal of the petition.

11. Heard learned counsel for the parties and perused the record.

12. Learned counsel for the petitioner has drawn the attention of this Court to order dated 13.03.2023. A perusal of the said order reveals that the report of the Committee reinforces the petitioner's stand and does not in any manner negate the reports earlier issued by the Tehsildar, Channapora and the Executive Engineer, R&B Sub Division Chadoora, who had clearly stated in their report dated 28.03.2016 that the structure was fully damaged. The respondents have failed to offer any plausible justification in this regard when the

matter was heard at length in the presence of the Assistant Commissioner Revenue, Srinagar; Additional District Development Commissioner, Srinagar; Tehsildar, Channapora; and Executive Engineer, R&B Sub Division Chadoora, who were present in person pursuant to order dated 01.03.2023. In this backdrop, directions were issued to the aforesaid officers to revisit and reconsider the petitioner's case for grant of compensation for the fully damaged residential house, and four weeks' time was granted to initiate and complete the process of payment in light of the report dated 28.03.2016. It was made clear that failure to do so would attract coercive measures, and the officers were directed to remain present for submitting compliance.

13. The aforesaid order was passed on 13.03.2023. From the record it appears that the direction has not been complied within the time frame, even after two years, the same remains unimplemented, causing continued hardship to the petitioner. This Court is of the considered view that the respondents were under a legal obligation to revisit and reconsider the petitioner's case for grant of compensation based on the Tehsildar's and the Assistant Executive Engineer's report dated 28.03.2016. The respondents themselves, in their reply affidavit, have admitted that the structure was declared as fully damaged. In the circumstances, a duty was cast upon them to have accorded fresh consideration. The consideration already accorded vide rejection order dated 22.06.2017 is contrary to the record and cannot withstand judicial scrutiny, having been issued in a perfunctory manner without due application of mind or consideration

of the expert reports. Additionally, the respondents were bound to comply with the Court's earlier directions dated 13.03.2023.

14. When confronted with the above position, learned counsel for the respondents fairly submits that he is not averse to granting fresh consideration to the petitioner's case in light of the report submitted by the Tehsildar Channapora as well as Executive Engineer, R&B Sub-Division dated 28.03.2016.

15. In view of the above and with the consensus of learned counsel for the respondents, this petition is taken up for final disposal. The petition is accordingly disposed of with a direction to respondents 1 to 4 to revisit and reconsider the petitioner's case for grant of compensation for the fully damaged residential house of the petitioner and the proforma respondent, which had become uninhabitable due to the floods of 2014, in light of the reports of the Tehsildar and the Assistant Executive Engineer, R&B dated 28.03.2016. The exercise shall be completed strictly in accordance with law and applicable rules within a period of four weeks from the date a copy of this order along with the writ petition and annexures is furnished to the respondents. As a necessary corollary, the impugned order dated 22.06.2017 is quashed.

**16. Disposed of.**

(WASIM SADIQ NARGAL)  
JUDGE

**SRINAGAR:**  
**25-11-2025**  
Mubashir

- i. Whether the order is speaking: Yes/No
- ii. Whether the order is reportable: Yes/No