

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

WP(C) No. 85/2026

- 1. Abdul Rahim S/o late Sh. Nazir Ahmed**
- 2. Ahmed Din S/o late Sh. Nazir Ahmed**
- 3. Alim Din S/o late Sh. Nazir Ahmed**
- 4. Gh. Mohd S/o late Sh. Nazir Ahmed**
- 5. Kewel Singh S/o late Sh. Sujan Singh**
- 6. Rajesh Singh S/o Sh. Mangat Chand,**

All residents of Village Senabhati, Tehsil

Pogal Paristan (Ukhral) District,

Ramban

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

Through: Mr. R.K.S Thakur, Advocate

vs

- 1. UT of J&K through Commissioner-
cum-Secretary, Revenue Department,
Civil Secretariat, Jammu**

..... Respondent(s)

- 2. Financial Commissioner (Revenue)
Jammu.**
- 3. Divisional Commissioner, Jammu**
- 4. District Collector (Deputy
Commissioner), Ramban**
- 5. Collector Land Acquisition (SDM)
Ramsoo**
- 6. Commissioner-cum-Secretary, Public
Work Department (R&B),
Civil Secretariat Jammu.**
- 7. Chief Engineer, Public Works
Department (R&B), Jammu**
- 8. Executive Engineer, Public Works
Department (R&B), Division, Banihal**

**Through: Mrs. Monika Kohli, Sr. AAG for 1 to 5
Mr. Ravinder Gupta, AAG for 6 to 8**

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(27.01.2026)

01. Petitioners, through the medium of the present petition, have prayed for a direction to respondent Nos. 6 to 8 to place the indent before respondent Nos. 1 to 5, for the acquisition of the petitioners' land measuring 5 kanals, comprising Khasra No. 606/343 (4 kanals), Khasra No. 367 (10 marlas) and Khasra No. 371 (10 marlas), situated at village Senabhati, which has been utilized for the construction of 'Senabhati to Gujjarah Road', and to assess and pay compensation to the petitioners under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and the Rules framed thereunder, along with all consequential benefits including rehabilitation, resettlement, interest, etc.

02. Learned counsel for the petitioners submits that initially the land was acquired for the project, however, 5 kanals of the petitioners' land has also been utilized by the respondent-Public Works Department for the construction of the road. The said land measuring 5 kanals was not part of the earlier indent issued by the executing agency and, as such, did not form part of the award passed by the Collectorate. Consequently, the executing agency is under an obligation to issue a fresh indent for the said portion of land for initiating further proceedings under the relevant provisions of acquisition law. In support of his contention, learned counsel for the petitioners has drawn the attention of this Court to the correspondence dated 06.06.2023, issued by the Collector Land Acquisition (SDM), Ramssoo, to the Executive Engineer, (R&B) Division, Ramban, seeking authentication of the Tatima Shajra, Field Book and placement of indent by the concerned Head of Department. However, the respondent-executing agency has not acted upon the said correspondence.

03. Learned counsel for the petitioners further submits that the petitioners would be satisfied if the present petition is disposed of at this stage, with a direction to respondent Nos. 6 to 8 to place the indent for acquisition of the said 5 kanals of land belonging to the petitioners before the Collectorate for assessment and payment of compensation.

04. Heard.

05. Issue notice to the respondents.

06. Mrs. Monika Kohli, learned Senior AAG, accepts notice on behalf of respondent Nos. 1 to 5 and Mr. Ravinder Gupta, learned AAG, accepts notice on behalf of respondent Nos. 6 to 8, who submit that the respondents are not averse to the plea raised by the petitioners for disposal of the present petition at the motion stage, and undertakes to do the needful in case the petitioners' land has been utilized for the construction of the road.

07. In view of the pleadings, the facts and circumstances of the case, and the submissions made by the learned counsel for the parties, the petition is disposed of at motion stage, with a direction to respondent Nos. 6 to 8 to place the indent for acquisition of the said 5 kanals of land belonging to the petitioners if used for the construction of road, before the Collectorate for assessment and payment of compensation.

08. The petition is *disposed of*, along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
27.01.2026
Amit