

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

**WP (C) No.97/2026
CM No. 239/2026**

Mohd Yaqoob Khan
S/O Ali Akbar Khan
R/O Ward No. 2, Qasba, Tehsil Haveli,
District Poonch.

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

Through: Mr. Ashish Sharma, Advocate.

Vs

01. Union Territory of J&K Through
Commissioner/Secretary, PWD (R&B)
Department, Civil Secretariat,
Jammu/Srinagar.
02. Chief Engineer, PMGSY (JKRRDA)
Department, Jammu.
03. Deputy Commissioner, Poonch.
04. Executive Engineer, PMGSY Circle,
Jammu.
05. Superintending Engineer,
PMGSY Circle, Poonch.

..... Respondent(s)

Through: Mr. Nirmal Kotwal, AC vice
Mr. Ravinder Gupta, AAG for R-1, 2, 4 &5.
Ms. Monika Kohli, Sr. AAG for R-3.

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

ORDER
(27.01.2026)

01. Petitioner, apprehending that his land bearing Khasra No. 237 measuring 38 kanals, Khasra No. 243 measuring 04 kanal 02 marlas, Khasra No. 249 measuring 29 kanal, Khasra No. 176 measuring 04 Kanal and Khasra No. 177 measuring 05 Kanal, situated at Qasba, Tehsil Haveli, District Poonch may be used for the construction and maintenance of road from L023- Noonabandi India gate road km 3.3 to kajra, package No. JK11-4021, PMGSY-IV, Batch-I of 2025-26, Block Nangali Sahib Sain Baba, District Poonch- length 10.00 Kms, without following due process of law. It is

further alleged that the alignment of road is being changed, under the influence of some influential persons, towards the land of the petitioners against the basic alignment proposed by the Executing Agency.

02. Learned counsel for the petitioner submits that the petitioner's land is being used for the construction and maintenance of road from L023- Noonabandi India gate road km 3.3 to kajra, package No. JK11-4021, PMGSY-IV, Batch-I of 2025-26, Block Nangali Sahib Sain Baba, District Poonch- length 10.000 Kms, against the basic alignment determined by the PMGSY and the petitioner apprehends that the he may be divested of his proprietary land without adopting the due process of law.
03. Thus, leaned counsel for the petitioner submits that the petitioner shall be satisfied, if this petition is disposed of at this stage, with a direction to the respondents not to cause any interference in the petitioner's land without following the due process of law.
04. Heard.
05. Issue notice to the respondents.
06. Mr. Nirmal Kotwal, Assisting counsel appearing vice Mr. Ravinder Gupta, AAG waives notice on behalf of respondent Nos. 1, 2, 4 & 5 and Mrs. Monika Kohli, learned Sr. AAG waives notice on behalf of respondent No. 3. Learned counsel for the respondents submit that the respondents are not averse to the submission made on behalf of the petitioner, if this petition is disposed of, as prayed by the learned counsel for the petitioner.
07. In view of the pleadings, facts and circumstances and submissions made by the learned counsel for the parties, this petition is disposed of at this motion stage, with a direction to the respondents not to dispossess the

petitioner from his proprietary land without adopting due process of law for acquisition of the land, if required, for the construction and maintenance of road from L023-Noonabandi India gate road km 3.3 to kajra, package No. JK11-4021, PMGSY-IV, Batch-I of 2025-26, Block Nangali Sahib Sain Baba, District Poonch- length 10.00 Kms.

08. Petition is, thus '*disposed of*' along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
27.01.2026
Renu

