

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

**WP(C) No. 425/2024
CM No. 1039/2024**

Mohd Raqib Khan and ors. Appellant(s)/Petitioner(s)

Through: Mr. Intikhab Shah, Advocate

vs

UT of J&K and ors. Respondent(s)

Through: Mr. Ravinder Gupta, AAG for R-1, 4 to 6
Ms. Monika Kohli, Sr. AAG with
Mr. Vishal Gupta, Advocate for R-2 & 3

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER(ORAL)

18.08.2026

1. The petitioners have filed this petition for commanding the respondents to assess and pay the compensation in lieu of their land situated in Village Dhargaloon, and Village Balakote, Tehsil Balakote District Poonch, utilized by respondent Nos. 1, 4 to 6 for constructing the road from MS Behroot to Naka Soyian via Dolariya, Tehsil Balakote and District Poonch.
2. Respondent Nos. 1, 4 to 6 have filed response, stating therein that the Chief Engineer PW(R&B) Department Jammu accorded the administrative approval for construction of the road from MS Behroot to Nakka Soyian via Dolariyan, Tehsil Mendhar Balakote District Poonch vide order dated 24.03.2021 on the recommendations of Superintending Engineer PWD (R&B) Circle Rajouri vide communication dated 20.03.2021. The indent was placed with Deputy Commissioner, Poonch vide letter dated 20.07.2022 and the Deputy Commissioner, Poonch vide communication dated 30.08.2022

forwarded the case to Sub-Divisional Magistrate (Collector Land Acquisition) Mendhar and the Sub-Divisional Magistrate (Collector) Mendhar in turn forwarded the same to Tehsildar Balakote vide communication dated 19.11.2022 to submit the requisite report/revenue paper in order to process the compensation case. Thereafter, the Sub-Divisional Magistrate (Collector Land Acquisition) Mendhar issued preliminary notifications for three revenue villages. Vide three letters each dated 06.09.2024, the requirement of land measuring 9 Kanal 13 Marlas in Village Dhargoon, 9 Kanal 19 Marlas 5 Sarsai in Village Balakote and 6 Kanal 16 Marlas in Village Dehrooti was notified for public purpose. It is further stated that total private land required for the said road as per preliminary notification is 26 Kanal 8 Marlas 5 Sarsai and out of total land, the land of the three petitioners is 12 Kanal 1 Marla, regarding which, Executive Engineer, PWD (R&B) Division Mendhar vide communications dated 27.11.2024 and 25.08.2025 submitted the demand of funds to Superintending Engineer, PWD (R&B) Circle Poonch, who forwarded the same to the higher authorities vide letter dated 29.11.2024. On verbal directions from the higher offices, the case was re-looked and the office of Executive Engineer, PWD (R&B) Division Mendhar vide letter dated 30.09.2025, requested Tehsildar Balakote to identify the land area coming in the alignment of road and verbally settle the matter. Now 50% of the total amount is required to be deposited in the account of Sub Divisional Magistrate (Collector Land Acquisition) Mendhar. The total amount to be deposited for Village Dhargloon is Rs. 32,51,500/-, Rs. 9,67,980/- for Village

Balakote and Rs. 9,89,000/- for Village Dhuruti. It is further stated that total claim of the petitioners is Rs. 33,59,600/-.

3. Heard learned counsel for the parties.
4. The petitioners in Para '2' of the petition claimed to be owners in possession of the land situated in Village Dhargaloon, Tehsil Balakote District Poonch, and Village Balakote, Tehsil Balakote, District Poonch, which as per the petitioners, has been consumed by respondent Nos. 1, 4 to 6 for constructing the road from MS Behroot to Nakka Soyian via Dolariyan, Tehsil Mendhar, District Poonch. Further, the answering respondents have specifically mentioned that the higher authorities have been intimated the total amount due to the petitioners.
5. In view of the above, the present petition is disposed of by directing respondent No. 3 to determine the compensation payable to the petitioners in lieu of their land utilized by respondent Nos. 1, 4 to 6 for constructing the road. After the needful is done, respondent Nos. 1, 4 to 6 shall place the requisite funds at the disposal of the Collector Land Acquisition, to be released in favour of the petitioners. The entire exercise be completed within a period of three months from the date of receipt of this order.
6. **Disposed of.**

(RAJNESH OSWAL)
JUDGE

Jammu
18.08.2026
Neha-II