

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

WP (C) No. 465/2025

Date of pronouncement: 25.09.2026

Date of uploading: 29.09.2026

**Vakesh Sharma, S/o Late Sh. Balak
Ram Sharma, R/o Village Dharat
Tehsil Sunderbani Nowshera,
District Rajouri**

.....Petitioner(s)

Through: Mr. Rakesh Chargetra, Sr. Advocate with
Mr. Abhishek Verma, Advocate

Vs

- 1. UT of J&K and Ladakh through
Commissioner-cum-Secretary, Health
and Medical Education Department,
Government of J&K, Civil
Secretariat, Jammu/Srinagar.**
- 2. Director Health Services, Jammu.**
- 3. Chief Medical Officer, Rajouri.**
- 4. Block Medical Officer, Nowshera.**
- 5. Incharge, Health Sub-Centre, Kheri-
II, Village Dharat Tehsil Nowshera,
District Rajouri.**
- 6. Deputy Commissioner
(Collector/Competent Authority),
Rajouri.**

..... Respondent(s)

Through: Ms. Saliqa Sheikh, Advocate vice
Mr. Raman Sharma, AAG
Ms. Malvika Gupta, Advocate vice
Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER (ORAL)

25.09.2026

1. Petitioner seeks a direction to the respondents to acquire land measuring 03 kanals falling under survey No. 579 khata No. 347/343, khewat No. 63, situate at Village Dharat, Tehsil Beri Pattan (now Nowshera, District Rajouri) under Right to Fair Compensation and Transparency in Land

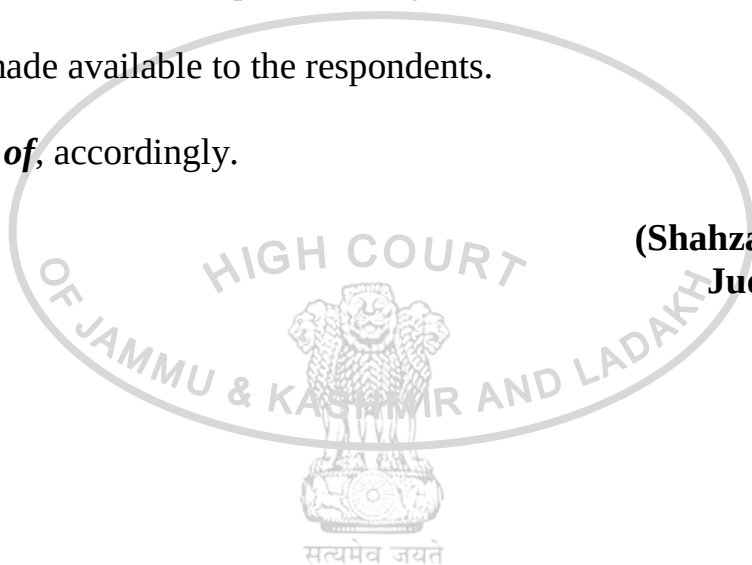
Acquisition, Rehabilitation and Resettlement Act 2013 [**“the Act of 2013”**] and to pay compensation with interest, as also use and occupation charges from the date of taking possession.

2. It is the case of the petitioner that compensation of the said land was taken in the year 2010 and a Health Sub-Centre was constructed thereon in the year 2011, without initiating acquisition proceedings and without payment of compensation. Representations dated 01.12.2015 and 22.09.2017 are stated to have remained unattended.
3. Although, respondents were granted opportunity, but till date objections have not been filed.
4. Learned counsel for the petitioner submits that the petitioner would feel satisfied, in case the respondents are directed to consider the case within the contour of law governing the subject. To this proposition, learned counsel for the respondents are also not averse.
5. There is no denial to the fact that to hold the property is a legal as well as constitutional right and same can only be taken away in accordance with due procedure as established by law. Therefore, once the possession of the land of the petitioner is taken by the respondents, he is entitled to fair compensation in accordance with law. As per the averments contained in the petition, the land in question was taken over for construction of Health Centre way back in the year 2010. Therefore, respondents are duty bound to accord consideration to the prayer of the petitioner in accordance with law.

6. In view of the stand so taken, this Court does not consider it necessary to enter into the merits of the claim or to determine the quantum of compensation or use and occupation charges at this stage.
7. The writ petition is, accordingly, disposed of with a direction to the respondents to consider the claim of the petitioner for acquisition of land in question under the Act of 2013, or for such other lawful mode of regularization as may be available, including payment of compensation and use and occupation, rental charges for the period of occupation, strictly in accordance with law. A speaking order shall be passed and communicated to the petitioner within a period of eight weeks from the date, a copy of this order is made available to the respondents.
8. ***Disposed of***, accordingly.

Jammu
25.09.2026
Mahavir

(Shahzad Azeem)
Judge



Whether the order is reportable?
Whether the order is speaking?

Yes/No
Yes/No