

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

**Case No: CPLPA No.31/2016 in
(LPAOW No. 30/2014)
CM No.4420/2022,
IA No. 1/2017**

*Reserved on: 07.04.2026
Pronounced on: 28.04.2026
Uploaded on: 28.04.2026*

*Whether the operative part or full
Judgment is pronounced : **Full***

1. Mohinder Pal S/O Bala Ram,
Age 59 years (approx.)
2. Raj Kumar S/O Bala Ram,
Age 53 years (approx.)
3. Prithvi Singh S/O Puran Singh,
age 48 years (approx.)
Petitioner No.3 through his son
Karan Singh as his duly
constituted attorney
All residents of Dhainka, Tehsil
Nowshera, Distt. Rajouri.

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

Through: Mr. Vikram Sharma, Sr. Advocate with Mr.
Sachin Dev Singh, Advocate

v/s

1. G.Mohan Kumar,
Secretary, Ministry of
Defence, Govt. of India,
New Delhi.
2. Dr. P.Arocki Nathan,
Principal Director,
Northern Command,
Satwari Cantt, Jammu
(J&K)
3. V.K.Bhatia, Defence
Estate Officer,
Udhampur, Northern
Command, C/O 56 APO

4. Mukesh Kumar Sharma,
A.D.E.O, Rajouri, C/O
56 APO.
5. Shabir Ahmed Bhat,
Deputy Commissioner,
Rajouri.

Through: Mr. L.K.Moza, CGSC for R-1 to 4
Ms. Monika Kohli, Sr. AAG for R-5

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. The petitioners had filed a writ petition, being OWP No. 864/2013, seeking a direction to the respondents to release the arrears of rental compensation in respect of their respective lands under the use and occupation of respondents Nos. 1 and 2 therein. The petitioners had also prayed for payment of interest @ 18% from the date the rental compensation became due. The said writ petition was disposed of by the learned writ Court vide judgment dated 24.10.2013, whereby the Deputy Commissioner, Rajouri (respondent therein), was directed to assess the rent of the land in question. It was further directed that upon such assessment, if any amount was found payable, respondents Nos. 1 and 2 therein shall deposit the rental compensation in the office of the Deputy Commissioner, Rajouri, within a period of three months from the date of receipt of a copy of the order. Thereafter, the Deputy Commissioner, Rajouri, was directed to disburse the rental compensation to the rightful owners of the land in question after proper verification.

2. Aggrieved by the judgment dated 24.10.2013, the Union of India assailed the same by way of LPAOW No. 30/2014. The said appeal came to be disposed of by the co-ordinate Bench of this Court vide Order dated 17.03.2015, in terms of the following directions:-

“3. In such view of the matter, the apprehension expressed by the appellants that the rent may be disbursed to the wrongful owner is not justified. Hence the order passed by the learned Single Judge is affirmed and the time to deposit the arrears of rent from 2003 upto March, 2015 is extended by three months from the date copy of the order is made available to the appellants.

4. Appellants shall also continuously deposit the rent as already directed as long as the land is used by the Army.”

3. The petitioners, through the medium of the present contempt petition, have alleged willful disobedience on the part of the respondents on account of non-compliance with the judgment dated 17.03.2015 passed by the co-ordinate Bench of this Court in LPAOW No. 30/2014.

4. Numerous compliance reports/statements of facts have been filed by the respondents. In the compliance report submitted by respondents Nos. 2 to 4, it has been stated that the present case is of a peculiar nature, involving land measuring 340 Kanals and 08 Marlas, comprising Khasra Nos. 1761, 1777, 1778, 2053 to 2056, 2068 to 2071, 2204, 2206 to 2208, 2211 and 2212, hired in Case No. JKR/284/HRG, and Khasra Nos. 1952, 1953, 1959 and 1960, hired in Case No. JKR/280/HRG, situated in Village Khamba, Tehsil Nowshera, District Rajouri. The said land was stated to be under

occupation of the Army for defence purposes; however, its actual location on the ground could not be verified by the Army authorities and representatives of the ADEO, Rajouri, despite sustained efforts over the past 20 years. It has been further stated that, as per the record, the State Vigilance Organization initiated a preliminary enquiry in a separate case pertaining to Village Khamba, bearing Case No. JKR/280/HRG, which culminated in the registration of FIR No. 01/2005 involving land measuring 265 Kanals and 01 Marla, comprising Khasra Nos. 1945 to 1953, 1959, 1960, 2817, 2825, 2850 to 2852, 2866, 2887 and 2893. The State Vigilance Department, vide communication No. SVO-FIR-01/2005-J-11180 dated 20.09.2007, concluded that the said Khasra numbers were either under the occupation of Pakistan or formed part of the area described as “no man’s land.”

5. In the affidavit filed by the Deputy Commissioner, Rajouri, it has been stated that a Commission of officers/officials constituted for spot inspection and demarcation submitted its report dated 24.11.2020. The Commission reported that the revenue staff posted at the time of preparation of the Jamabandi for the year 1995-96 had erroneously reflected the possession of the Indian Army in all the Khasra numbers involved in the writ/contempt petition, instead of “Maqbooza Pakistan,” as was recorded earlier in the Jamabandis for the years 1969-70 and 1991-92. The involvement of the concerned revenue officials, namely Shri Girdhar Kumar, then Naib Tehsildar, and Shri Darshan Kumar, then Patwari, Khamba, in tampering with the revenue

records was established, and their services were accordingly terminated by the Government of Jammu & Kashmir.

6. Pursuant to order dated 22.11.2024, Principal District & Sessions Judge, Rajouri was also appointed as a Local Commissioner to assess whether the properties stated to be belonging to the contempt petitioners are not useable on account of the same having been mined and some properties being across the LOC, which has been occupied by the Army.
7. Vide communication dated 09.01.2025 a detailed report has been submitted by the Commissioner, and as per the report of the Commissioner, parcels of the land except those covered by survey numbers 1761, 1777 and 1778 are located beyond the LOC and thus, are not under the control and occupation of the Indian Army.
8. In the present contempt proceedings, this Court cannot undertake an exercise to determine the exact location of the land in question or adjudicate as to whether the same is under the occupation of the Army authorities or otherwise. The judgment of the learned Single Judge, dated 24.10.2013, having been affirmed, clearly directs the Deputy Commissioner, Rajouri, to assess the rent of the land in question and, upon such assessment, to disburse the rental compensation to the rightful owners after proper verification. The Division Bench too in its order dated 17.03.2015 has observed that “the apprehension of the appellants that rightful owner may not be given the rent payable and it may be released to the persons who are not entitled to receive the same, the order of learned single Judge is very clear that disbursement

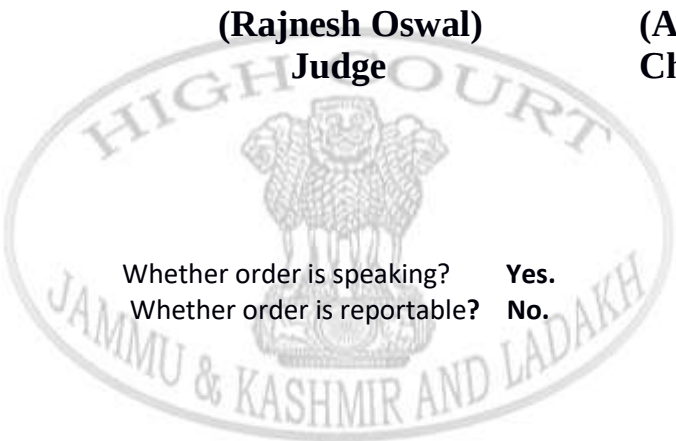
to the rightful owner of the land in question may be made after the proper verification”.

9. The issue as to whether the revenue entries were wrongly altered or manipulated is a matter which also falls within the domain of the Deputy Commissioner, Rajouri, and is required to be examined by him in accordance with law.

10. In view of the above, the present contempt proceedings are hereby closed, with a direction to the Deputy Commissioner, Rajouri, to comply with the judgment in its letter and spirit and to pass appropriate orders with regard to the disbursement of the compensation within a period of three months.

11. **Disposed** of as above.

Jammu
28.04.2026
Madan Verma-Secy



(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice