

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

WP(C) No. 718/2025

JagdevSingh and others

.....Petitioner/Appellant(s)

Through: None.

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Sunny Mahajan, CGSC for R-1 & 3.
(Through Virtual Mode)
Ms. Priyanka Bhat, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG for R-2.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
01.07.2026

1. The record reveals that the matter was listed on 29.06.2026, on which date Mr. Sunny Mahajan, learned CGSC, appearing on behalf of the respondent Nos. 1 & 3, raised a preliminary objection with regard to the maintainability of the instant petition. It was contended that, through the medium of the present petition, the petitioners are seeking issuance of a writ in the nature of Mandamus directing the respondents to release compensation in respect of land recorded as *Shamlat Deh Makbooja Maalkan* falling under Khasra No.181 measuring 09 Kanals, 136 (7k 3 M) (6 Marla situated at village Jhajjar Kotli Tehsil Dansal District Jammu, which was acquired for the construction of the Jammu-Udhampur National Highway. It was further submitted that award dated 02.07.2013 had already been passed by the respondent No.2, vide No.LA/ACR/HNAI/Jhajjar Kotli/Final award/2013-14/445-51 wherein the subject land figures at S. No.7 of the apportionment statement. Besides seeking release of compensation, the petitioners have also prayed for issuance of a writ

of Mandamus directing the respondents to make a reference to the learned District Judge, Jammu for determination of the compensation payable in respect of the acquired land.

2. When the matter was listed before this Court on 29.06.2026, a preliminary objection was raised with regard to the maintainability of the instant petition, on the ground that the petitioners, under the guise of the present proceedings, are in effect seeking a reference for enhancement/determination of compensation after an inordinate delay of more than twelve years. It was submitted that the statutory remedy of seeking a reference before the competent Court was available to the petitioners within the prescribed period of limitation, but the same was never availed. Having failed to invoke the statutory remedy within the limitation period, the petitioners have now sought to circumvent the statutory bar by filing the present writ petition, which, according to the learned counsel for the respondents, is wholly misconceived and not maintainable.

3. In the aforesaid backdrop, the learned counsel appearing for the petitioners sought two days' time to obtain fresh instructions as to whether the petitioners intended to pursue the matter further in view of the preliminary objection raised by learned counsel appearing for the respondent Nos. 1 and 3.

4. Today, when the matter was taken up for consideration, none has appeared on behalf of the petitioners despite the matter having been called twice.

5. This Court find merit in the preliminary objection raised by Mr. Sunny Mahajan, learned CGSC appearing for the respondent Nos. 1 and 3. The relief sought by the petitioner, in substance, is a direction to make a statutory reference, a remedy which was available to them under the relevant provisions

of law but was not availed within the prescribed period of limitation. The petitioners, having failed to invoke the statutory remedy within time, cannot be permitted to bye-pass the legislative mandate by invoking the extraordinary writ jurisdiction of this Court merely to overcome the bar of limitation. The present writ petition, therefore, is nothing but an attempt to indirectly seek condonation of an inordinate delay of more than twelve years, which cannot be countenanced in exercise of writ jurisdiction.

6. Consequently, this Court is of the considered view that the writ petition is wholly misconceived, devoid of any merit, and not maintainable in law. Accordingly, the writ petition is ***dismissed***.

7. Interim direction, if any, shall stand vacated.

(Wasim Sadiq Nargal)
Judge

Jammu
01.07.2026
Shammi

