

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

WP(C) No. 1207/2026

Date of Pronouncement:-04.05.2026

Uploaded on:- 05.05.2026

Balwan Singh

....Petitioner(s)

Through:- Mr. Irfan Khan, Advocate.

V/s

UT of J&K and ors.

.....Respondent(s)

Through:- Ms. Chetna Manhas, Advocate vice
Ms. Monika Kohli, Sr. AAG for
Ms. Mehar Bali, Advocate vice
Mr. Ravinder Gupta, AAG.

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

1. In this petition, filed under Article 226 of the Constitution of India, the petitioner seeks a direction upon the respondents to assess the damage caused to his property due to illegal dumping of Malba in the Nallah and to pay compensation.
2. It is stated that the petitioner is the resident of Village Batroo Dhanmasta falling in Tehsil Pogal Paristan, District Ramban and is owner of the land measuring 11 Kanals 06 Marlas falling under Khasra No. 525 min, which is Shamilat Deh and that he had constructed three shops in the aforesaid land, where he was running a Motor Vehicle Workshop from twenty five (25) years. It is also stated that in the year 2024, the respondents while carrying out the construction of PW(R&B) road from Dhanmasta to Jarnal, started

dumping debris into the Nallah adjoining the land of the petitioner, which compelled him to move a representation dated 09.06.2024 in the Grievance Cell, the same was considered by respondent No. 5 vide Communication dated 24.06.2024, wherein it is stated that the road from Dhanmasta to Jarnal is in progress and earth cutting & excavated material is properly disposed of. It is also admitted in the aforesaid Communication that the debris and excavated material was dumped and thereafter, it was lifted and disposed of. However, the same was not lifted by respondent No. 5 and due to heavy rain and flow of water in the Nallah, the same took form of a flood, which damaged the workshop of the petitioner and caused heavy loss to him.

3. It is submitted by learned counsel for the petitioner that, as per the report submitted by Patwari Halqa, Panchal dated 12.04.2025 on the instructions of respondent No. 4-Sub-Divisional Magistrate, Ramsu, loss caused to the petitioner's property has been assessed at ₹7,90,000/-.
4. It is further stated that a detailed report was submitted on 01.05.2025 by a team of Revenue Officials headed by Naib Tehsildar, Pogal Paristan (Ukral), followed by report dated 23.05.2025, wherein it is stated that a detailed list of the damages caused to the petitioner's property was submitted. In the said report, it is also stated that the damage was caused due to the negligence on part of the PW(R&B) Department, as the contractor has illegally dumped the malba in the Nallah.

5. Learned counsel for the petitioner states that the petitioner would feel satisfied, if this writ petition is disposed of with a direction to respondent No. 4 to consider the assessment reports dated 01.05.2025 & 23.05.2025 and pass appropriate orders for payment of compensation in favour of the petitioner, within a reasonable period of time.
6. Learned counsel for the respondents states that they are not averse to the proposition made by learned counsel for the petitioner.
7. Be that as it may, this writ petition is disposed of with a direction to respondent No. 4 to consider the assessment reports 01.05.2025 & 23.05.2025 and pass appropriate orders in favour of the petitioner, in case he is found entitled to any compensation, within a period of one month from the date of receipt of a certified copy of this order, with a further direction upon respondent Nos. 5 to 7 to remove the debris from the Nallah adjacent to the workshop of the petitioner, if not already removed.
8. ***Disposed of***, along with connected application(s), if any.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
04.05.2026
Ram Krishan