

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1109/2024

1. **Suraj Singh, S/o Late Sh.** Petitioner/Appellant(s)
Raghunath Singh, R/o Targwal
Akhnoor, Jammu.
2. **Arjun Singh, S/o Late Sh.**
Raghunath Singh, R/o Targwal
Akhnoor, Jammu.

Through:- Mr. Bhanu Pratap Singh Bandral, Adv.

V/s

1. **UT of J&K through its** Respondent(s)
Commissioner-cum-Secretary,
Revenue Department, J&K Govt.
Civil Sectt. Srinagar/Jammu.
2. **Assistant Commissioner, Revenue**
(Collector, Land Acquisition),
District Jammu.
3. **Sub-Divisional Magistrate,**
Akhnoor, Jammu.
4. **National Highways &**
Infrastructure Development
Corp. Ltd. through General
Manager, Canal Road, 333F
Shakti Nagar, Jammu.
5. **M/S V.K. Gupta Construction**
Company Private Ltd. Jammu.

Through:- Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE
JUDGMENT (ORAL)

1. Through the medium of this instant petition, the petitioners have sought the following reliefs:

"A. Prohibition restraining the respondents from forcibly taking possession of the land of the petitioners falling under Khasra No. 1400, Khewat No. 10, and other Khasra Nos. 1312, 1324, 1314, 1361, 1375, 1371 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, without initiating acquisition proceedings in

accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

B. Commanding the respondents not to dispossess the petitioners from the land falling under Khasra No. 1400, Khewat No. 10, and other Khasra Nos. 1312, 1324, 1314, 1361, 1375, 1371 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, without following the due procedure prescribed under the Land Acquisition Act.

C. Mandamus to restrain the respondents from encroaching upon the land belonging to the petitioners and from raising any construction, including construction of four-lane highway works, over the land falling under Khasra No. 1400, Khewat No. 10, and other Khasra Nos. 1312, 1324, 1314, 1361, 1375, 1371 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, without adopting due course of law and without initiating acquisition proceedings in accordance with the Land Acquisition law.

D. Mandamus directing the official respondents not to proceed with the construction of the four-lane highway and widening of the road forming part of the Jammu–Poonch National Highway NH-144A over the aforesaid land of the petitioners falling under Khasra No. 1400, Khewat No. 10, and other Khasra Nos. 1312, 1324, 1314, 1361, 1375, 1371 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, as the same being illegal, arbitrary and unconstitutional.”

2. The case set up by the petitioners is that they are owners in possession of land falling under Khasra No. 1400, Khewat No. 10, Khata No. 975 and other Khasra Nos. 1312, 1324, 1314, 1361, 1375, 1371 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu. It is further submitted that the mutations of the aforesaid land stand attested in their favour vide Mutation Nos. 183, 749, 614, 649, 831, 832 and 873.

3. It is pleaded that the respondents have not acquired the land of the petitioners in accordance with law and, therefore, the National Highways

Authority of India (NHAI) is not empowered to take over the land of the petitioners without prior notice and due process of law for widening or construction of the four-lane road forming part of NH-144A.

4. It is also submitted that the respondents have undertaken a project for construction and widening of a four-lane road from Jammu to Poonch. It is alleged that, in the course of the said project, the land of the petitioners, details whereof have been mentioned in the preceding paragraphs, falls within the alignment of the proposed four-lane road.

5. The grievance of the petitioners is that, without following the procedure established by law, the respondents have sought to take possession of the land in question. It is further pleaded that neither acquisition proceedings have been initiated nor any compensation has been paid to the petitioners.

6. According to the petitioners, the action of the respondents is contrary to law and, on account of such alleged illegal action and inaction on the part of the respondents, the present petition has been filed seeking the reliefs enumerated hereinabove.

7. *Per contra*, a reply stands filed on behalf of respondent Nos. 1 to 3, wherein a categorical stand has been taken that, as per the report of the SDM, Akhnoor dated 21.06.2024, none of the land owned by the petitioners falling under Khasra Nos. 1400, 1400-min, 1312, 1314, 1324, 1361, 1371, 1375 and 1383, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, is impacted by or falls within the alignment or construction of NH-144A. In order to substantiate the said averments, the respondents have also placed on record the report of the Tehsildar, Akhnoor dated 20.06.2024, annexed as Annexure-I with the reply affidavit.

8. From a perusal of the report placed on record, it is evident that the Tehsildar, Akhnoor, in his report dated 08.06.2024, has stated that the land bearing Khasra Nos. 1312, 1314, 1324, 1361, 1371, 1375, 1383 and 1400-min, situated at Village Ambaran, Tehsil Akhnoor, District Jammu, stands recorded as under:

Sr. No.	Name of Village	Name of Owner	Name of Cultivator	Khasra Nos.	Area (Kanal)	Area (Marla)
1	Ambaran	Shamlat Deh	Maksoos Kacharie	1400	767	18
2	Ambaran	Shamlat Deh	Maqbooza Mahakma GREF	1400 Min	06	00
3	Ambaran	Sarkar	Kasht Kripa S/o Gulodu Megh Gair Maroosi Maqbooza Military	1312	04	15
4	Ambaran	Shamlat Deh	Maqbooza Ahl-e-Islam	1314	1	19
5	Ambaran	Shamlat Deh	Maksoos Kacharie Maqbooza Military	1324	16	4
6	Ambaran	Sarkar	Maqbooza Military	1361	3	15
7	Ambaran	Gusha and ors.	Gusha Hishadar baya Noor Ahmad and others. Maqbooza Military	1371	6	7
8	Ambaran	Shamlat Deh	Maqbooza Ahl-e-Islam	1375	17	00
9	Ambaran	Shamlat Deh	Sashtru Hissadaran Maqbooza Military	1383	10	05

9. From a perusal of the report submitted by the SDM, Akhnoor, which is based upon the report of the Tehsildar, Akhnoor, it is evident that no land owned by Suraj Singh and Arjun Singh, sons of Raghunath Singh, residents of Targwal, is involved in the construction of NH-144A. Along with the aforesaid communication, the respondents have also enclosed the relevant revenue extracts in support of their stand.

10. A separate reply has also been filed by Mr. Asheesh Singh Kotwal, learned counsel appearing on behalf of respondent No. 4-NHAI. In the said reply affidavit, a preliminary objection has been raised to the effect that the land of the petitioners has not been acquired for the construction of the

aforesaid project. It is stated that the final award was issued by the District Magistrate, Jammu, on 22.02.2023, pertaining to the land acquired for upgradation of the Jammu–Akhnoor Road at Village Ambaran. According to respondent No. 4, neither of the petitioners is reflected in the column of landowners or interested persons in the said award.

11. Respondent No. 4 has also relied upon the report of the Tehsildar, Akhnoor dated 20.06.2024, which specifically mentions that no land of the petitioners is involved in the construction of the road forming part of NH-144A.

12. Heard learned counsel for the parties at length and perused the record.

13. In view of the categorical stand taken by the respondents, supported by the reports of the SDM and Tehsildar, Akhnoor, and the revenue extracts placed on record, it emerges that the land claimed by the petitioners under the Khasra numbers mentioned in the writ petition does not form part of the land acquired or utilized for the upgradation/construction of the road forming part of NH-144A. Therefore, the question of payment of compensation to the petitioners, as prayed for, does not arise.

14. The very foundation of the writ petition rests upon the assertion that the land of the petitioners has been acquired or is being utilized for the aforesaid project without following due process of law is factually incorrect and denied by the official respondents and substantiated from bare perusal of revenue record. Once, the foundational facts pleaded by the petitioners are found to be unsustainable, the consequential reliefs sought in the present petition cannot be granted.

15. For the foregoing reasons, this Court is of the considered view that no case for interference in exercise of writ jurisdiction is made out. The writ

petition is, accordingly, **dismissed** as being devoid of any merit. It is, however, clarified that this dismissal shall not preclude the petitioners to avail any other remedy as may be available to them under law, if so advised.

16. At this stage, learned counsel for the petitioners submits that a representation in respect of their grievance has already been submitted before the competent authority and the same is stated to be pending consideration till date

17. It is made clear that the dismissal of the present writ petition shall not come in the way of competent authority from accordingly consideration to the aforesaid representation, if pending, strictly in accordance with law.

(Wasim Sadiq Nargal)
Judge

Jammu:

31.01.2026

Michal Sharma/PS

Whether the judgment is speaking:

Yes/No

Whether the judgment is reportable:

Yes/No