

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CCP(D) No. 40/2025 in
OWP No. 613/2019

Date of Pronouncement: 11.02.2026.
Date of uploading: 12.02.2026.

Mohammad Iqbal

.....Petitioner/Appellant(s)

Through: Mr. S.H. Shah Ashrafi, Advocate

vs

Chowdhary Dil Mir Additional Deputy
Commissioner Rajouri and others

..... Respondent(s)

Through: Ms. Sagira Jaffer, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG for R-2, & 5.
Ms. Palvi Sharma, Assisting counsel to
Mr. Ravinder Gupta, AAG for R-3.

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
11.02.2026

1. This is a petition for initiating contempt proceedings against the respondents for their wilful disobedience and non-compliance of order and judgment dated 05.04.2022 passed by this Court in OWP No. 613/2019, whereby a direction has been issued to the respondents not to cause any interference in the possession and use of land measuring 04 marlas, falling in Khasra No. 1866 min, situated at Village Rajnagar (Bhudal), Tehsil Kotranka, District Rajouri, otherwise than in due course of law.
2. On being put on notice, the respondents have filed statement of facts and have taken a categorical stand that additional parcel of land, including the land claimed by the petitioner, was duly acquired for establishing a Government Degree College under proper proceedings initiated vide Notification issued under Section 4 of the Land Acquisition Act on

05.03.2011, which culminated into passing of the final award dated 08.06.2011. It is submitted that apart from the land, even two Gharats belonging to the petitioner were acquired and the compensation has already been paid to him. It is further submitted that it is only when the demarcation was conducted in the year 2005, some land, which had not been taken physical possession and the structures for which compensation which stood paid, were demolished.

3. Learned counsel for the petitioner disputes the stand of the respondents and submits that the Gharat existing on 04 marlas of land, subject matter of the writ petition, was not subject matter of the acquisition, however, was demolished by the respondents, otherwise than by following due process of law.
4. Having considered the rival contentions, we are of the considered opinion that serious disputed questions of fact are involved. As per the stand of the respondents, the Gharat, which the petitioner alleges to have been demolished despite Court judgment, stood already acquired and was not existing on the land which the petitioner claimed to be in his possession, being not the subject matter of acquisition.
5. The respondents have categorically denied to have demolished any Gharat of the petitioner existing on the land, which was not acquired by the respondents. The stand of the petitioner, however, is that the respondents have demolished his Gharat existing in 04 marlas of land without following due process of law, despite the fact that the said land was not subject matter of acquisition.

6. Be that as it may, and having regard to the nature of disputed question of fact, we cannot conclude that there is wilful disobedience and non-compliance of the judgment passed by this Court, making it a case for initiating contempt proceedings against the respondents.
7. For all these reasons, we find no merit in this contempt petition and the same is, accordingly, *dismissed*. We, however, leave it open to the petitioner to establish before appropriate forum that the respondents or for that matter the Government Degree College concerned has taken possession of the land and the Gharat constructed thereon, which was not part of acquisition.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
11.02.2026.
Rahul Sharma

