

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

Case: - WP(C) No. 3014/2023

Bahdur Singh

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

Through: Mr. Irfan Khan, Advocate

vs

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Sagira Jaffer, Assisting counsel to
Ms. Monika Kohli, Sr.AAG

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

10.08.2026

1. The petitioner claims to be the owner of land measuring 6 kanals 4 marlas, comprising Survey No. 99 situated at village Matiate, Tehsil Thuroo, District Reasi. By way of the instant petition, the petitioner seeks, *inter alia*, the following reliefs:

- i. Commanding the respondents to pay rental compensation/usage charges along with arrears to the petitioner on account of use and occupation of his proprietary land measuring 06 kanals 4 marlas situated at village Matiate, Tehsil Thuroo District Reasi from the date of actual possession till the same is acquired in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.
- ii. Commanding the respondent to initiate and finalize the acquisition proceedings with regard to the land of the petitioner measuring 06 kanals falling under Khasra No. 99 situated at village Matiate, Tehsil Thuroo District Reasi, as the respondents have constructed Foot Bridge and road under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and accordingly pay compensation to the petitioner.

- iii. Any other relief which this Hon'ble Court deems the petitioner entitled to may also be granted in favour of the petitioner in circumstances of the case.

2. It is stated that, in the year 2018, respondent No. 4 vide communication No. 1478 submitted an indent for acquisition of land for construction of 132 meter foot suspension bridge over Nalla Ans at Kanthi Matote to respondent No. 3 and requested initiation of acquisition proceedings at the earliest. Thereafter, vide communication No. 356/NTT dated 03.03.2021, the Naib Tehsildar, Thuroo submitted the revenue papers of land falling under the alignment of foot suspension bridge over Nallah Ans at Jabo Kanthi Matote, In the said communication, it was specifically mentioned that a total land of the petitioner measuring 6 kanals 4 marlas comprising survey No. 99 situated at village Matote is under occupation of PWD Department and is yet to be acquired. It is further stated that vide communication dated 27.04.2021, the Tehsildar Thuroo addressed to the Collector Land Acquisition submitted the revenue papers of acquisition of land for the construction of aforesaid suspension bridge and subsequently, vide communication dated 14.06.2021, the respondent No. 4 authenticated the land papers for acquisition of the land for construction of bridge. Despite various communications, as mentioned in the writ petition, no steps were taken by the respondents for acquiring the land of the petitioner.

3. Respondent Nos. 1, 2 and 4 have filed their response, wherein they have admitted to the extent of issuance of the communication dated 27.04.2021 and 14.06.2021. It is stated that the payment amounting to ₹1.30/- lacs as land compensation was made to the petitioner. It is further stated that the compensation case for the land acquisition of the petitioner was processed and the compensation

will be released in favour of the petitioner, as and when the requisite funds are received.

4. Respondent No. 3 in its response, has stated that the failure of the indenting department to provide funds to the Collector, Dharmari, has obstructed the progress of the acquisition procedures. Consequently, both the acquisition proceedings and compensatory payments to the petitioner were delayed due to lack of necessary funds. It is further stated that it is the responsibility of the indenting department (PWD-R&B) to allocate funds to the Collector to initiate acquisition proceedings. It is also submitted that the initial indent placed under the now Land Acquisition Act, 1990 has become outdated and fresh indent is required to be issued under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

5. Heard learned counsel for the parties and perused the record.

6. This is not in dispute that the land of the petitioner has been utilised by respondent Nos. 1, 2 and 4 for raising the 132 meter foot suspension bridge over Nalla Ans at Kanthi Matote. The indenting department in its response has stated that amount of ₹1.30/- lacs has been paid to the petitioner but the perusal of Annexure-I appended with the response reveals that the said amount was paid to the petitioner on account of structure and not the land mentioned above.

7. It is also admitted by respondent Nos. 1, 2 and 4 that the claim of the petitioner for grant of compensation shall be processed as and when funds are received. Respondent No. 3 also in its response has stated that the land is to be acquired in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act of 2013.

8. In view of the above, the present petition is disposed of by directing respondent Nos. 1, 2 and 4 to place the indent regarding the acquisition of the land of the petitioner measuring 06 kanals 4 marlas comprising survey No. 99 situated at village Matioate, District Reasi, with the respondent No. 3 and shall also place the requisite amount of compensation at the disposal of respondent No. 3 so as to ensure the acquisition proceedings are completed and payment due to the petitioner is released in his favour. The entire process shall be completed within a period of six months from the date of receipt of this order.

9. **Disposed of.**

(RAJNESH OSWAL)
JUDGE

Jammu
10.08.2026
AKHILESH