

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

Case: - WP(C) No. 3561/2025

Abdul Gaffar and Ors.

.....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
Mr. Ravinder Gupta, AAG

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

ORDER
28.07.2026

1. Petitioner Nos. 1, 2 & 3 claim to be the owners of land measuring 8 kanals (Khasra No. 51), 30 kanals (Khasra No. 1109/66 min, 66 min and 43), and 6 kanals (Khasra No. 18) respectively situated at village Budhan, Tehsil Thuroo, District Reasi. They have filed the present petition seeking a direction to the respondents to initiate and conclude the acquisition proceedings under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, and consequently pay compensation to the petitioners, on the ground that their land has come under the alignment of Budhan to Karamkatha road. The petitioners have also prayed for the payment of rental compensation for use and occupation of their land w.e.f., 2018-19.

2. It is stated by the petitioners that the respondents commenced the construction of the aforesaid road in the year 2018, but the acquisition proceedings were not taken to their logical conclusion and in the meantime Right

to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, was made applicable in the Union Territory of J&K with effect from 31.10.2019, whereupon instructions were issued for re-submission of land indent for construction of roads in PMGSY Division, Mahore.

3. Learned counsel for the petitioners submits that, the petitioners would restrict their claim only to the payment of compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

4. Respondent Nos. 1, 2 and 4 have filed their response stating therein that the ownership and possession of the petitioners are borne out from the revenue records, subject to verification by the Competent Revenue Authorities. It is further admitted that indent communications were issued by respondent No. 2 with regard to PMGSY roads including the Budhan to Karamkatha road. However, the same were only administrative in nature for initiation of acquisition formalities and do not confer any right upon the petitioners unless and until the acquisition proceedings are completed in accordance with law.

5. The respondents in clause (B) of the prayer part have themselves requested to dispose of the writ petition by directing the Revenue Authorities to conclude the acquisition proceedings in accordance with law within a time frame as may be deemed appropriate by this Court.

6. Respondent No. 3 has also filed a response stating that the relief sought by the petitioners is subject to fulfilment of statutory requirements, including availability of funds.

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

8. The sole grievance raised by the petitioners is that the respondents be directed to initiate and conclude the acquisition proceedings in respect of the land claimed to be owned by the petitioners, which has admittedly come under the alignment of the Budhan to Karamkatha road. The respondents too, in fact, have agreed for the disposal of the writ petition by directing them to proceed in accordance with law.

9. The record further reveals that, in terms of communication dated 18.04.2022, respondent No. 2 submitted the indents to respondent No. 3. Thus, it is for respondent No. 3 to take the process further.

10. In view of the foregoing, the present writ petition is disposed of with a direction to the respondents to conclude the acquisition proceedings qua the land of the petitioners in accordance with law within a period of six months from the date a copy of this order is served upon them and pay the compensation within the aforesaid period.

11. *Disposed of.*

(RAJNESH OSWAL)
JUDGE

Jammu
28.07.2026
AKHILESH