

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

**CCP(S) 191/2022 In
OWP 857/2016
CM(3240/2026)
CM(685/2025)
CM(6335/2024)**

Reserved on: 29th September, 2026.

Pronounced on: 30th September, 2026

Uploaded on: 30th September, 2026

Whether Operative Part or Full

Judgment has been pronounced: **Full**

Ghulam Mohammad Sheikh Age: 67 years.

...Petitioner(s)

S/O: Mohd. Sultan Sheikh.

R/O: Nambla Bal Pampore, Kashmir.

Through: Mr. M. Y. Bhat, Senior Advocate with
Mr. Sajid Ahmad, Advocate.

Vs.

1. Mr. Vijay Kumar Bidhuri, Commissioner Secretary Revenue Department civil secret rate Srinagar. **...Respondent(s)**
2. Mr. Baseer-ul-Haq Chaudhary. Deputy Commissioner Pulwama.

Through: Mr. Mohsin S. Qadri, Sr. AAG with
Mr. Haris Khan, Advocate.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

JUDGMENT

01. The instant contempt petition arises out of an order / judgment dated 20.05.2016 passed by the learned writ Court in writ petition bearing OWP No. 857/2016, whereby the writ petition preferred by the petitioner was disposed of, in the following manner;

“04. This petition is disposed of with a direction to the Deputy Commissioner, Pulwama to look into the report of Naib Tehsildar, Pampore as has been submitted to him by the Tehsildar Pampore. Based on said report, award of compensation be considered in accordance with Land Acquisition Act.

05. Learned counsel for the petitioner shall be at liberty to serve copy of this order as well as copy of the report of Naib Tehsildar, Pampore personally to Deputy Commissioner, Pulwama. The decision whatever permissible under law shall be taken by the Deputy Commissioner, Pulwama within a period of four weeks from the date copy of this order is served upon him.”

02. The record reveals that various compliance reports have been filed by the respondents in the instant contempt petition from time to time and finally, fresh compliance report was filed by the respondents on 22.05.2026.

03. While filing the fresh compliance report, the respondents have also placed on record the detailed consideration order dated 05.05.2026, a perusal whereof reveals that the land measuring 2 marlas owned by the petitioner, was found covered under the road and could not be processed in terms of the Land Acquisition Act governing the subject, and the matter was considered by the Deputy Commissioner, Pulwama, by virtue of the consideration order dated 05.05.2026.

04. From perusal of the order of consideration mentioned *supra*, it is also clear that the respondents have also accorded due consideration to the report submitted by Naib Tehsildar, Pampore, which, according to the respondents, was found to have been submitted without

proper demarcation of the whole patch of land owned and possessed by the petitioner. The respondents, while filing the fresh compliance report along with the detailed consideration order, were alive to the fact that the concerned Tehsildar, to whom the matter was referred for re-verification of the facts, demarcated the subject land in presence of the petitioner, and it was found that the land measuring 4-marlas on which the petitioner has laid the claim, was recorded as State land as per the revised record of rights, which initially was recorded in the name of the petitioner as per the pre-settlement revenue record.

05. The consideration order further reveals that out of 4 marlas of land mentioned *supra*, 2-marlas were found to be in possession of the petitioner and 2-marlas were to be under the road. Accordingly, the report was also sought from R&B Sub-Division, Pampore, which revealed that the road had been constructed by the land holders themselves in order to make their respective land holdings accessible and the upgradation was merely carried out by the R&B Department at the sole instance of the said land holders.

06. It is further averred in the consideration order that the road under reference was found recorded as State land, classified as “Ghair Mumkin Sadak” in the Revised Record of Rights, and, therefore, the acquisition proceedings under the Land Acquisition Act, as directed vide the judgment *supra*, could not be resorted to. Since the petitioner had never sought rectification of his alleged share of the land, the case was taken up with the office of the Financial Commissioner, Revenue, J&K, vide communication bearing No. DCP/Legal-24/463-64 dated 12.02.2025, seeking rectification of the Revised Record of Rights pertaining to the land in question. The said exercise was found to be legally necessary so as to

restore the recorded title of the petitioner, as reflected in the old revenue record, thereby enabling the R&B Department to place an indent for acquisition of the land covered by the road and facilitating the Collectorate, Awantipora, within whose territorial jurisdiction the subject land is situated, to proceed further in accordance with the provisions of the Land Acquisition Act, as directed by this Court. It is submitted that the case was, however, returned with a direction to the Deputy Commissioner, Pulwama, to resort to Section 32 of the Land Revenue Act for rectification of the land in question. Pursuant thereto, the suit filed by the petitioner's son under the aforesaid provision was entertained, and the land was rectified vide order dated 24.07.2025. The said rectification order was passed after taking into consideration the pre-settlement as well as post-settlement revenue records, coupled with the possession found on spot, which was duly determined pursuant to the demarcation conducted by the Tehsildar concerned.

07. The further stand of the respondent is that the demarcation report submitted by the Tehsildar, Pampore, during the course of proceedings conducted under Section 32 of the Land Revenue Act, revealed that the demarcation had been carried out in the presence of the petitioner's son, who was found to have retained possession of the land left out by the deceased petitioner. As per the demarcation report, 2 Marlas of land were found never to have been covered by the road in question, as alleged, but had, on the contrary, remained consistently within the constructive possession of the petitioner till his demise. Accordingly, the same was rectified and title of the land was restored in the name of the petitioner (now deceased), in accordance with the pre-settlement revenue record. As regards the remaining 2 Marlas of land, the same was found to be covered by the

link road, and it was considered appropriate to retain the title thereof in the name of the said petitioner. However, having regard to the position existing on spot, the said portion of land was classified only as “Gair Mumkin Rasta.” The statement of the petitioner’s son recorded during the proceedings, coupled with the admitted spot verification and demarcation conducted with respect to the land in question, is at variance with the pleadings made in the main writ petition and the relief claimed therein. Since the writ petition had been disposed of at the very outset, the aforesaid misrepresentation of facts appears to have remained unattended. Consequently, the said misrepresentation rendered the judgment legally incapable of implementation prior to the aforesaid rectification.

08. The respondents have further stated in the consideration order that the rectification carried out vide order dated 24.07.2025 restored the title of the land in favour of the petitioner. Thereafter, as a matter of procedural compliance, communication bearing No. DCP/Legal-26-27/63 dated 02.05.2026 was addressed to the Executive Engineer, R&B Division, Awantipora, regarding placement of an indent in respect of the 2 Marlas of land covered by the road. The said authority, however, vide communication bearing No. T-1/EEA/902-04 dated 04.05.2026, unequivocally stated that the road under reference had been carved out by the landowners themselves for making their respective land holdings accessible and facilitating their development into a residential area. It was further stated that the road had not been found to be connected with any potential public works project and, therefore, could not be brought within the purview of the Land Acquisition Act. Consequently, the desired indent could not be placed for processing the petitioner’s case under the said Act. It is

pertinent to mention that the findings of the Executive Engineer, R&B Division, Awantipora, were also affirmed by the Superintending Engineer, Public Works (R&B) Circle, Pulwama/Shopian, vide communication bearing No. SE/PS/1096-98 dated 04.05.2026, who categorically declined to interfere with the findings recorded by his subordinate authority. As per law, unless and until a formal requisition is received from the project proponent, followed by the issuance of mandatory Government notifications, publication of public notices and payment of compensation to the landowners, the District Collector, who acts as the administrative authority facilitating the process between the Government and private landowners in such eventuality, cannot legally proceed further. Accordingly, in view of the aforesaid communications, the R&B Department has concluded the matter and declined to place the requisite indent, as a result whereof, the District Collector, Pulwama, was not in a position to proceed further in the matter.

09. From a bare perusal of the stand taken by the respondents in the fresh compliance report and the reasons reflected in the detailed consideration order, this Court is satisfied that the order/judgment passed by this Court dated 20.05.2016, which has assumed finality, has been implemented in its letter and spirit, and a detailed consideration order has been passed in this regard.

10. The respondents while passing the consideration order dated 05.05.2026, have accorded due consideration to the report of the Naib Tehsildar, Pampore dated 13.08.2012, and this Court is of the view that the respondents were alive to the aforesaid report of the Naib Tehsildar, Pampore, and thereafter accorded due consideration to the case of the

petitioner by passing a detailed consideration order in accordance with law.

11. It is a settled proposition of law that the contempt Court cannot enlarge the scope of the writ Court order/direction and since the learned writ Court has specifically directed the respondents to accord consideration in accordance with law, which consideration has been accorded by the respondents by virtue of a detailed consideration order, therefore, this Court is of the view that the order/judgment passed by the learned Writ Court stands complied with in its letter and spirit.

12. This Court after hearing Mr. M. Y. Bhat, learned Senior Counsel for the petitioner, and also Mr. Mohsin Qadri, learned Senior Additional Advocate General is of the view that the order/judgment passed by the learned Writ Court stands complied with and no contempt is made out. Therefore, proceedings in the instant contempt petition are **closed**. Rule, if any, shall stand **discharged**.

13. However, closure of the instant contempt petition shall not come in the way of the petitioner from agitating his cause afresh, challenging the aforesaid order of consideration, if so, advised, by way of appropriate proceedings, by taking all available grounds.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

30.09.2026

"Hamid"

❖ Whether Judgment is Reportable?	Yes/No.
❖ Whether Judgment is Speaking?	Yes/No.