

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

Reserved on: 07.09.2026

Pronounced on: 10.09.2026

Uploaded on: 10.09.2026

Whether the operative part or full
judgment is pronounced: **Full**

**WP(C) No.1220/2021
c/w
CCP(S) No.115/2023**

MS. ANJUM SALAM DIN & ANR.

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Sajad Geelani, Advocate
Mr. Sami Lone, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Hakeem Aman Ali, Dy. AG, with
Ms. Rahella Khan, Assisting Counsel.

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

JUDGMENT

WP(C) No.1220/2021:

- 1) With the consensus of learned counsel for the parties, this petition was taken up for final disposal.

- 2) This petition was initially filed by one Gulshan Akhtar, by asserting that her husband was allotted the plot in terms of allotment order dated 29th of June, 1988, measuring 30 feet by 50 feet, situated at Kadipora Housing Board Colony

at Fatehgarh, vide allotment No.GM/Fatehgarh/890-92 dated 29.06.1988. It was contended by her that despite making the payment of Rs.5250/-, the possession of the plot was not handed over to her. It needs to be noted that the original petitioner died during the pendency of the writ petition and, was substituted by her legal heirs.

3) Objections have been filed by the respondents, stating therein that during the year 1978, a chunk of land measuring 804.04 kanals was acquired by J&K Housing Board for establishment of Housing Colony at Kadipora Anantnag. Out of the said land, 116 plots of different sizes were allotted to various allottees out of total 1078 plots till 1990. However, due to turmoil in the Valley, the Army occupied the entire land and in the year 2004, out of total land measuring 804.04 kanals, land measuring 259.04 kanals was transferred to South Campus of Kashmir University pursuant to the approval of competent authority conveyed through Divisional Commissioner, Kashmir, with the condition that Housing Board would be compensated either in cash or in the form of available Government land, to be identified by the Revenue Department. However, vide communication dated 10th September, 2025, the Deputy Commissioner, Anantnag, communicated the non-

availability of the State land in lieu of the said land. Subsequently, the Kashmir University South Campus unauthorisedly occupied another 90 kanals of land. Accordingly, it is stated that the entire land which was proposed for developing the Housing Colony is under occupation of the Army and the Kashmir University South Campus, and as such, Housing Board could not develop and establish the housing colony on the said land.

4) In terms of order dated 30th June, 2021, it was directed that the representation filed by the petitioner for redressal of her grievances be considered in accordance with the rules governing the field.

5) The contempt petition bearing CCP(S) No.115/2023 was filed by the deceased-petitioner complaining the non-compliance of the order dated 30th June, 2021.

6) Statement of facts stands filed by the respondent Housing Board, thereby reiterating their stand taken in the response to the main writ petition. However, in para (7) of the response to the contempt petition, it is stated that the petitioner along with other similarly placed persons/allottees were asked to get refund of the amounts deposited by them but without any interest, as the delay was totally

circumstantial and not attributable to J&K Housing Board but the petitioner and other similarly situated persons were reluctant to take the payment from the Housing Board.

7) Learned counsel for the petitioners has submitted that the present petition be disposed of by directing the Housing Board to return the amount paid by the predecessor-in-interest of the petitioners along with interest.

8) It stands uncontroverted that the subject housing colony could not be established owing to unforeseen contingencies. Furthermore, it is undisputed fact that the respondent-Housing Board has duly received the amount and has expressed its readiness to refund the same, albeit strictly sans interest.

9) Irrespective of the grounds for delay, the amount deposited by the petitioners' predecessor-in-interest has remained in custody of respondent Housing Board. Consequently, the present writ petition stands disposed of, directing the respondent Housing Board to pay the petitioners the entire deposited sum along with interest at 9% per annum from the date of filing of this petition until realization, payable within a period of three months from the date of receipt of this order.

10) The proceedings in the contempt petition bearing CCP(S) No.115/2023, in view of the disposal of the main writ petition, are closed and the contempt petition shall stand disposed of.

(Rajnish Oswal)
Judge

Srinagar,
10.09.2026

“Bhat Altaf-Secretary”

Whether the **judgment** is reportable: **NO**

