

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1512/2026 CM(3954/2026).

Mohammad Ramzan Dar And Others.

...Applicant(s)/Petitioner(s)

Through: Mr. Khan Sameer, Advocate.

VERSUS

Union Territory Of J And K And Others.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
07.07.2026

1. The four petitioners all being real brothers and senior citizens are seeking to agitate in the present writ petition under article 226 of the Constitution of India filed on **29.06.2026** a matter relating to land acquisition which is said to have originated way back in year **2005** in connection with the construction of Sinthan Kishtiward road.
2. The petitioners solicited a reference under section 18 of the J&K State Land Acquisition Act Svt., 1990 before the District Judge Anantnag on **File No. 2/Reference of 2015** of **01.01.2015** which was joined by reference on **File No. 1/Reference** preferred by one person namely- **Abdul Salam Dar**.
3. The Court of the learned Principal District Judge, Anantnag came to dispose of said tagged references by holding that the references

made by the Collector, Land Acquisition were not valid as the same were time-barred.

4. Against said outcome, the petitioners herein, instead of taking recourse to an appropriate legal course of action with respect to their purported grievance which now is forming subject matter of the present writ petition, took the matter in a regular first appeal **No. 9/2023** before this Court challenging the order dated **19.09.2022** passed by the Principal District Judge, Anantnag.
5. This Court, in exercise of its appellate jurisdiction, came up with factual references to the extent that the petitioners with respect to their acquired land measuring **1 kanal** and **2 marlas** under Survey **No. 534-Min and 16 marlas in khasra No. 527-Min with house structure** situated at Ulbug Nowgam, Anantnag had accepted compensation at the rate of **Rs. 5 lac per kanal**, though under protest but by virtue of a private negotiations which took place on **29.01.2008** whereby the interested parties i.e., the land owners had agreed to the rate of **Rs. 5 lac per kanal** as compensation.
6. This Court, in exercise of its appellate jurisdiction, came up with the factual observation that the petitioners had accepted the compensation under protest before the formal acquisition of the land took place in **March 2012** and from this aspect notice of the fact was attributed to the petitioners that they had knowledge of the award/private negotiation and, thereafter, they sought reference by an application made on **04.07.2012**.

7. **Regular First Appeal No. 09/2023** was, thus, dismissed by virtue of an order dated **27.09.2024** against which the petitioners preferred **LPA No. 285/2024**.
8. Said appeal was objected to on the ground of maintainability by the other side, and the said objection weighed with the Hon'ble Letters Patent Bench, which held the appeal to be not maintainable while reserving liberty in favour of the learned counsel for the petitioners, as appellants, to withdraw the appeal and seek review of the appellate order dated **27.09.2024**.
9. The letters patent appeal was, accordingly, dismissed as withdrawn with such liberty which led to the filing of **Review Petition No. 78/2024** before the learned appellate Bench.
10. Said review petition was found to be devoid of merit and came to be dismissed by virtue of an order dated **08.04.2026**.
11. Now, the petitioners have come up with cause, as an old wine in a new bottle, by filing the present writ petition under article 226 of the Constitution of India under the guise of which they seek quashment of the entire proceedings initiated at the instance of the respondents relating to the acquisition of their land and also seeks a mandamus unto the respondents to pay adequate compensation to them for the land taken for a public purpose.
12. The two relevant reliefs which are being sought by the petitioners through the medium of the present writ petition, of

course, relate back to the year **2005** when the land acquisition process originated.

13. At all relevant points of time before seeking the reference, the petitioners, if had any grievance with regard to procedural lapses in the land acquisition process, had full opportunity to approach this Court by invoking its equitable jurisdiction under article 226 of the Constitution of India. However, the petitioners instead ventured to gamble in the reference proceedings and thereafter pursued the matter in a regular first appeal before this Court and then in a letters patent appeal, and lastly in a review petition, thus completing a full circle only to come up with a last throw of the dice in the form of the present writ petition under Article 226 of the Constitution of India.

14. This Court is afraid that the writ petition is fit one to be entertained, as it suffers from delay and laches and the nature of the reliefs claimed are simply not grantable by reference to an exercise which had taken place dating back to the year **2005** onwards as for the sake of petitioners' farfetched expectation, clock cannot be put back.

15. Accordingly, the writ petition is ***dismissed in limine***.

(RAHUL BHARTI)
JUDGE

SRINAGAR

07.07.2026

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