

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

WP(C) NO. 2344/2022

MEARAJ UD DIN RESHI

..... Petitioner(s)

Through: Mr. Sheikh Younus, Advocate.

UNION TERRITORY OF J AND K AND ORS

..... Respondent(s)

Through: Mr. Jahangir Dar, GA

Coram:

Hon'ble Mr. Justice Rajnesh Oswal, Judge

ORDER(ORAL)

31.08.2026

1. The petitioner was the owner of the land measuring 1 Kanal comprising Khasra No.956 situated at Chewa-Uller, Tral District Pulwama. It is submitted by the petitioner that in the year 2019, Department of Jal Shakti had started process for acquisition of land of the petitioner and in lieu thereof, the petitioner was assured that he would be provided employment. Accordingly, vide Communication dated 22.01.2019, Assistant Executive Engineer, PHE, Sub Division Tral requested Tehsildar-Tral for attestation of mutation of the land of the petitioner in favour of the PHE

Department and on request made by the concerned Assistant Executive Engineer, Mutation No. 117 was attested on 29.01.2019 in favour of the Jal Shakti (PHE) Department. The said land was acquired for construction of Pump House/Operator Quarters and Exploration of Bore Well for WSS Shah Mohalla Chopan Basti Chewa-Uller, Tral. Further vide communication dated 11.03.2019, the Executive Engineer PHE Division Awantipora besides intimating Superintending Engineer Hydraulics Circle, Pulwama/Shopian that the land of the petitioner has been acquired in the year 2017 and mutated in favour of the Department, also requested that the case of the petitioner be forwarded to Chief Engineer, PHE Department Srinagar for his appointment under SRO 520 of 2017. It is urged by the petitioner that thereafter the respondents took a U-turn and the file was recalled from Chief Engineer. Thereafter, Executive Engineer PHE Division Awantipora vide its Communication dated 16.01.2021 requested the Additional Deputy Commissioner Tral that unutilized land measuring 14 marlas be reverted back/re-mutated in the

- name of the petitioner. Accordingly, Tehsildar Tral vide Communication dated 28.06.2021 informed the Additional Deputy Commissioner Tral that the land measuring 06 Marlas under Survey No. 956 min has been mutated in favour of the Department instead of 01 Kanal for construction of Pump House cum Operator Quarter.
2. The grievance projected by the petitioner in this petition is that despite acquiring land of the petitioner measuring 06 marlas under Survey No. 956 Min in the year 2017, neither employment has been provided to the petitioner, nor any compensation has been paid to him till date. Accordingly, the petitioner has prayed for issuance of direction to the respondents to compensate the petitioner under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land measuring 06 marlas comprising Survey No. 956 Min situated at Chewa-Uller, Tral District Pulwama and further for commanding the respondents to determine rent payable to the petitioner from the date when the possession of the land was taken by the respondents.

3. Respondent No. 2, 3 and 4 have filed response stating therein that PHE Department had initiated the acquisition proceedings for the land measuring 06 Marlas under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for which the revenue extracts were issued by the Tehsildar Tral to PHE for authentication of the said documents and placing of the indent. However, xerox copy of the indent copy was received by the office and the Department was asked to submit the indent copy in original, for publication of Social Assessment Impact Report under Section 4 of the Act.
4. Respondent No. 5 to 9 in their reply have in fact admitted the factual aspect of the case as projected by the petitioner in the writ petition. However, they have submitted that initially case of the petitioner was under consideration for engagement in lieu of the land but subsequently there was modification in the mode of rehabilitating land donors, as such, it was decided that the petitioner would be paid compensation in lieu of his acquired land. The petitioner

himself requested that only the bare minimum land be utilized and the ownership of the remaining unutilized land be reverted to him. Accordingly, it was mutually decided that only 04.41 marlas would be utilized for construction and additional 01.50 Marlas for peripheral fencing and accordingly, the petitioner was to be compensated for 6.00 marlas of land only instead of 01 Kanal. It is further stated that under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 there is no provision to initiate acquisition proceedings for the land already in the name of Government. It is also urged that the Administrative Department has issued a fresh Circular in 2022 under No. JSD/04/2021-10AS (A)PHE/I&FC/26721 dated 06.09.2022 regarding compensation to land donors as per Format "A" and the case of the petitioner is under process.

5. Heard learned counsel for the parties and perused the record.
6. This remains an undisputed fact that the land of the petitioner measuring 06 marlas under Survey No. 956 has

been utilized by the Jal Shakti Department for construction of Pump House/Operator Quarters and Exploration of Bore Well for WSS Shah Mohalla Chopan Basti Chewa-Uller, Tral and the petitioner has not been paid a single penny for the same. Though it is a stand of the Jal Shakti Department that the claim of the petitioner for grant of compensation is under process, but the fact remains that despite lapse of many years, the petitioner has not been paid any compensation in lieu of the land acquired by the respondents for construction of Pump House/Operator Quarters and Exploration of Bore Well for WSS Shah Mohalla Chopan Basti Chewa-Uller, Tral. Respondent No.7 in communication dated 18.03.2019 addressed to respondent No.6 , has admitted that the possession of above mentioned land was taken in the month of March, 2017.

7. Accordingly, the petition is disposed of in terms of following directions:

- i) The compensation for the land measuring 06 marlas under Survey No. 956 situated Chewa-Uller, Tral District Pulwama, be

paid to the petitioner by respondents 5-9 in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of three months from the date of receipt of this order.

- ii) Respondent No.2 shall determine the rent for the abovementioned land, payable to the petitioner w.e.f. March 2017 till the compensation under the Act (supra) is paid to the petitioner, and thereafter respondent No. 5-9 shall pay the same to the petitioner within the period of three months of the determination of rent along with interest @ 6% per annum.

8. Disposed of as above.

(Rajnish Oswal)
Judge

SRINAGAR

31.08.2026

Aasif

Whether the order is speaking Yes/No

Whether the order is reportable Yes/No