

Serial No. 05

Regular list.

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

WP(C) 2444/2026

CM(6614/2026)

1. Tanvir Ahmad Dar, Age Years
S/O Ghulam Mohammad Dar
R/O Wathoor, Chadoora, Budgam.
2. Ghulam Mohammad Dar, Age Years
S/O Abdul Gaffar Dar
R/O Wathoor, Chadoora, Budgam.
3. Mohammad Sultan Akhoun , Age Years
S/O Habib Akhoun
R/O Wathoor, Chadoora, Budgam.
4. Zahoor Ahmad Bhat, Age Years
S/O Ghulam Mohammad Bhat
R/O Wathoor, Chadoora, Budgam.
5. Shakil Ahmad Bhat, Age Years
S/O Jalal u Din Bhat
R/O Wathoor, Chadoora, Budgam.
6. Raja Begum, Age Years
D/O Jamal Dar
R/O Wathoor, Chadoora, Budgam.
7. Mohammad Akbar Waza, Age Years
S/O Nabir Waza
R/O Wathoor, Chadoora, Budgam.
8. Mohammad Ramzan Najar, Age Years
S/O Abdul Samad Najar
R/O Wathoor Chadoora, Budgam.
9. Nazir Ahmad Khan, Age Years
S/O Abdul Rahman Khan
R/O Wathoor, Chadoora, Budgam.
10. Ghulam Mohammad Khan, Age Years
S/O Abdul Rahman Khan
R/O Wathoor, Chadoora, Budgam.
11. Abdul Qayoom Khan, Age Years
S/O Mahad Khan
R/O Wathoor ,Chadoora Budgam.
12. Mohammad Altaf Waza, Age Years
13. Mohammad Ashraf Waza, Age Years
14. Riyaz Ahmad Waza, Age Years
Sons of Ghulam Rasool Waza
Residents of Wathoor, Chadoora, Budgam.
15. Lateef Ahmad Bhat, Age Years
S/O Ghulam Ahmad Bhat
R/O Wathoor , Chadoora, Budgam
16. Safeena Bano, Age Years
17. Mumtaza Bano, Age Years
Daughters of Ghulam Ahmad Bhat
18. Bilal Ahmad Bhat, Age Years
S/o Ghulam Ahmad Bhat
19. Fatima Begum, Age Years
W/o Ghulam Ahmad Bhat
All residents of Wathoor Chadoora, Budgam
20. Zahoor Ahmad Dar, Age Years
S/O Gh. Mohammad Dar
R/O Wathoor, Chadoora, Budgam.
21. Shabir Ahmad Bhat, Age Years
22. Irfan Ahmad Bhat, Age Years
23. Asha Bano, Age Years
Sons and daughter of Jalal Ud Din Bhat

..... Petitioner(s)

Through: -

Mr. Shabir Ahmad Bhat, Advocate.

V/s

1. Union Territory of Jammu & Kashmir, Principal Secretary to Govt. Revenue Department, Civil Secretariat Srinagar/Jammu
2. Financial Commissioner Revenue J&K, Srinagar/Jammu.
3. Divisional Commissioner Kashmir, Srinagar
4. Deputy Commissioner, Budgam.
5. Collector Land Acquisition (Assistant Commissioner Budgam).
6. Sub Divisional Magistrate (SDM) Chadoora.
(Designated Collector for Chadoora Sub Division)

..... Respondent(s)

Through:-

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)

28.09.2026.

1. Heard the learned counsel for the petitioner in respect of the matter.
2. The grievance of the petitioners as projected in the main petition is that they are the land owners of village Wathoora, whose land was acquired for the Semi-Ring Road and possession was taken on 13 March 2018. That they had earlier challenged the low compensation fixed in August 2020. That the award was later set aside and a fresh award was directed to be issued. That on 27th November 2025, the Collector issued a fresh composite award at ₹40.30 lakh per kanal, whereas the petitioners state that the 2020 market value was at least ₹80 lakh per kanal. That they also dispute the calculation of compensation and interest, the recorded extent of land, and the inadequate amount awarded for fruit and non-fruit trees and standing crops that were cut. That the fresh award wrongly excluded the co-sharers of Lateef Ahmad Bhat, although their shares had been included in the earlier payment, while the legal heirs of deceased petitioners Ghulam Rasool Waza and Jalal Ud Din Bhat, now represented by their successors in interests. That no notice of the fresh award was given to the petitioners, who came to know it only in the first week of May 2026 and obtained its certified copy on 6 May

2026. That thereafter they applied on 22 May 2026 for grant of compensation and its apportionment to be decided by the Civil Court, but despite receipt of the application and repeated oral requests, the Collector has not sent the matter to the Court for over four months.

3. The petitioners have accordingly, sought for issuance of mandamus for commanding the respondents particularly the Collector Land Acquisition, Budgam to refer the matter to the competent Civil court pursuant to the application filed by the petitioners under Section 18 of the Jammu and Kashmir Land Acquisition Act, Samvat 1990 corresponding to Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.
4. Learned counsel during the course of his preliminary arguments submitted that the short grievance projected by the petitioners is that they have already filed application before the concerned Collector and he may be directed to refer the same to the competent civil court in terms of the provisions of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. It is submitted by the learned counsel that the petitioners have sought an innocuous prayer and the action sought was otherwise to be taken by the respondent-Collector out of his statutory obligation.
5. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this threshold stage by passing of appropriate directions which are not likely to prejudice to the interests of the respondents and are otherwise meant to be obeyed by the respondents out of their statutory obligations.

6. Accordingly, the instant writ petition is disposed of with the direction to the respondents, particularly Collector Land Acquisition, Budgam to immediately deal with the pending application dated 22nd May, 2026, of the petitioners, seeking reference of the land acquisition matter/final award to the competent Civil court, in accordance with law within a period of two weeks from the date, copy of this judgment/order is left at his office
7. The writ petition is ***disposed of*** along with connected CM(s).

(Mohd Yousuf Wani)
Judge

SRINAGAR
28.09.2026.
“Abdul Rashid”