

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

Reserved on: 09.09.2026

Pronounced on: 18.09.2026

Uploaded on: 19.09.2026

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

WP(C) No.3109/2025

PRITAM SINGH OBEROI

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

Through: - Mr. Javid Hameed, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Hakeem Aman Ali, Dy. AG.

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

JUDGMENT

1) One Hardev Singh Oberoi was allotted Plot No.56, measuring 5,000 sq.ft. in Rawalpura Housing Colony, which was gifted to the petitioner. The cost of the plot was Rs.9,500/.

2) In terms of communication dated 17th September, 1975, the Executive Engineer, Kashmir Housing Division, Srinagar, informed the petitioner and others that Plot No.54 stood cancelled and, Plot Nos. 55, 56, 57 and 58 were to be realigned. Due to realignment of the plots, the size of the

plots was reduced to 4694 sq. feet instead of 5000 sq. feet and accordingly consent of the allottees was sought for acceptance of reduced area of plot of land, and it was further provided that whosoever had paid the cost of 5000 sq.ft. of land would be reimbursed the cost of the balance 306 sq.ft. of land.

3) Upon the realignment of the plot, the petitioner submitted a representation, revealing a deficiency of 243 sq. ft. in Plot No. 56. The Deputy General Manager, Housing Board, Unit-I, accordingly apprised the Managing Director, J&K Housing Board, of the deficit area vide communication dated 06.09.2007. As per the demarcation report and departmental survey, the shortfall resulted from an encroachment by the allottee of Plot No. 57. Consequently, vide communication dated 22.04.2008, the Secretary, J&K Housing Board, directed the Deputy General Manager, Housing Unit No. 1, to remove the encroachment and restore the petitioner's plot.

4) Subsequently, a fresh demarcation of Plot No. 56 was carried out. In response to the representation submitted by the petitioner, the Secretary, J&K Housing Board, issued instructions vide communication dated 19.01.2018 to the Deputy General Manager to liaise with the enforcement/

Khilafwarzi Wing to clear the encroachment and hand over the remaining land to the petitioner.

5) The petitioner thereafter filed OWP No.917/2018 titled “Pritam Singh Oberoi vs. State of J&K & Ors.” seeking direction upon the respondents to refund the excess cost of the land, as instead of 5000 sq.ft. only 4964 sq. ft. had been allotted to him, and secondly, that the deficient land measuring 243 sq. ft. which had allegedly been illegally encroached upon by the allottee of Plot No. 57, be returned to the petitioner.

6) In terms of order dated 26th November, 2019, the writ petition came to be disposed of and respondent No.3-the Managing Director, J&K Housing Board, was directed to ensure restoration of the shortfall of land measuring 243 sq. feet to the petitioner from the adjacent plot holders, found to be in possession of excess land, within a period of one month. Simultaneously, the Divisional Commissioner, Kashmir, was directed to ensure availability of enforcement necessary for ensuring the implementation of the order. The Managing Director was also directed to ensure payment of the balance of 306 sq. feet within the aforesaid period.

7) The petitioner served the aforesaid order upon the respondents. In the meanwhile, LPA No.29/2020 came to be

filed, whereby the order dated 26th November, 2019, was assailed and vide order dated 26th July, 2022 the said appeal was disposed of. The contempt petition bearing CCP(S) No.495/2022 filed by the petitioner was disposed of in terms of order dated 11th May, 2023, wherein it has been observed that the possession of the balance land has been handed over to the petitioner and also an amount of Rs.582/- stands paid to him.

8) The grievance projected by the petitioner in the present petition is that the cheque of Rs.582/- given to him in lieu of the balance land measuring 306 sq. ft is not as per the market value of the land and, as such, has filed the present petition for commanding the respondents to pass a fresh order for payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as applicable to the Union Territory of J&K, notwithstanding the receipt of amount of Rs.582/- for 306 sq. ft of land owned by the petitioner and now acquired by the respondents.

9) The respondents have filed their response, stating therein that an amount of Rs.582/- was paid to the petitioner through cheque No.11029 dated 9th May, 2023, and that the said cheque was issued in compliance with the

directions of the Court. It is further stated that the controversy stood settled with the closure of the contempt proceedings and now the petitioner cannot reopen the same through the medium of the present writ petition. Besides, it has also been urged that the amount payable to the petitioner was assessed in accordance with the rates applicable at the relevant point of time and the petitioner is not entitled to the relief prayed for through the medium of present writ petition.

10) Heard learned counsel appearing for the parties.

11) Admittedly, the petitioner received a sum of ₹582/- towards the shortfall of land measuring 306 sq. ft. The petitioner concedes that the respondents sought consent for the allotment of a reduced plot area along with a refund for the deficit. Having accepted both the reduced plot and the compensation in lieu of the shortfall without protest, the petitioner is bound by the same.

12) As is evident from the relief claimed in prayer clause (i), the present petition is founded on the erroneous premise that the petitioner's land was compulsorily acquired by the respondents. The record reveals that this is not a case of acquisition governed by the Act of 2013, but one of allotment, where the petitioner was handed possession of

4,964 sq. ft. against an allotted plot of 5,000 sq. ft. It was only in 2007 that a representation (Annexure-IV) was submitted, leading to the filing of OWP No. 917/2018. Notably, in OWP No. 917/2018, the petitioner merely sought direction for the refund of the amount corresponding to the 306 sq. ft. deficit, pursuant to which, this Court issued directions on 26.11.2019. The petitioner, having never asserted a case of land acquisition at that stage, cannot now project altogether a new case. The respondents have thus rightly assessed the compensation at ₹582/- towards the shortfall.

13) Though the petitioner is not entitled to any substantive relief, as the respondents retained the excess amount until May 2023, interest on the delayed refund is justly warranted in equity. Accordingly, the present writ petition is **disposed** of by directing the respondents to pay interest at the rate of 9% per annum on the amount of Rs. 582/- from the date of filing of OWP No.917/2018 till 9th May, 2023, when the amount of Rs. 582/- was paid to the petitioner.

(Rajnish Oswal)
Judge

Srinagar,
18.09.2026
“Bhat Altaf-Shergatiary”

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