HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through Video Conferencing)

Reserved On: 14.12.2020.
Pronounced On: 18 .12.2020.

OWP No. 416/2019 [WP (c) No. 916/2019]
CM No. 2022/2019 [01/2019]

Mohd Khaliq and another

Petitioner (s)

Through: -

Ms. Surinder Kour Sr. Advocate with
Ms. Manpreet Kour, Advocate

V/s

State through Housing and Urban Development Department and Others.

…..Respondent(s)

Through: -

Mr. S. S. Nanda, Sr. AAG

CORAM:

Hon'ble Mr. Justice Javed Iqbal Wani, Judge.

ORDER

1. In this petition, petitioners question the action of the Municipal Committee, Rajouri, (for brevity the Committee), stating that the Committee started dumping material over the land recorded as State land measuring 15 Kanals covered under Khasra No. 446 for construction of a Waste Management Project. It is being stated that out of said land upon 12 kanals 10 marlas land exists a Graveyard, a Talab on 10 marlas, Khankah on 01 kanal and on remaining land a Mosque has been constructed and the rest of the land land is being used as grazing land. According to the petitioners, the land in question has not been transferred to the Committee by the government and that the respondent Committee without any authority, power and jurisdiction or else title over the land in question started dumping material for the purposes of construction of Waste Management Project. According to the petitioners the aforesaid inaction of the

respondents is against the provisions of the Jammu and Kashmir Wakafs Act, 2001, provisions of Section 73 of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, as also against the provisions of Section 133 of the Jammu and Kashmir Land Revenue Act, 1996.

2. Respondents in their objections filed in opposition to the writ petition have stated in Para 2 as under: -

> "2. That the contents of Para 2 of the writ petition, have not been correctly stated, hence denied. It is submitted that neither the respondent Municipal Committee Rajouri is dumping the material over the land in question nor the Committee is going to construct Solid Waste Management Project over the land as alleged by the petitioners. In fact the Pollution Control Board has found that the land in question is not feasible to construct Solid Waste Management Project, it has been decided by the respondent Committee not to take the land in question for the purpose of above said project. Hence no cause of action as on date has accrued to the petitioners against the respondents."

3. In view of the categoric and specific stand taken by the respondents supra, nothing remains to be adjudicated upon in the instant petition, as such, same shall stand **disposed of**. Disposed of, accordingly, along with connected CM.

(Javed Iqbal Wani)
Judge

Jammu
18/12/2020
"Ishaq"

i. Whether the Order is speaking? Yes/No.
ii. Whether the Order is reportable? Yes/ No.

ISAQ HAMEED BHAT
2020.12.18 13:57
I attest to the accuracy and
integrity of this document