Sr. No. 201
After notice causelist

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU
(Through Virtual Mode)

CPOWP No. 243/2018
CM No. 9232/2019
CM No. 2723/2019[1/2019]

Mohd. Sheer …. Petitioner/Appellant(s)

Through:- Mr. R.K.S. Thakur, Advocate

V/s

Rajesh Kumar Sharma & ors. …..Respondent(s)

Through:- Mr. C.M. Koul, Sr. AAG

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

1. The proceedings in this contempt petition were initiated for non-compliance of order dated 05.03.2018 passed in OWP No. 629/2017 wherein Court had directed the respondents as under:

"In view of the submissions made and taking into account the fact that the right to hold the property is a fundamental right, this writ petition is disposed of with a direction that in case respondents want to utilize the land of the petitioner, they shall do so strictly in accordance with law by taking recourse to the provisions of Land Acquisition Act, Svt. 1990."

2. The respondents in their statement of facts have submitted that school building has been constructed on the land measuring 1 Kanal 5 Marlas bearing Khasra No. 1365 min & 1366 min and not in petitioner's land in Khasra No. 1384 min. Thus, by a speaking order dated 16.09.2020 rejected the claim of the petitioner regarding the utilization of his land from Khasra No. 1384 min.

3. In view of the aforesaid, the order dated 05.03.2018 stands complied and, therefore, the proceedings in the contempt petition are accordingly closed. The petitioner, however, may seek an appropriate remedy against the speaking order, if so advised.

(Sindhu Sharma)
Judge

JAMMU
18.12.2020

ANGITA DEVI
2020.12.22 11:12 *Angita*
I attest to the accuracy and
integrity of this document

Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No