

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 808/2024

Iqbal Hussain Bhat

.....Appellant(s)/Petitioner(s)

Through: Petitioner in person

Vs

Union Territory of J&K and ors.

..... Respondent(s)

Through: Mr. Ravinder Gupta, AAG for R-1 to 3
Ms. Monika Kohli, Sr. AAG for R-4

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
12.04.2024

1. The instant writ petition has been preferred by the petitioner being the owner of the land bearing Khasra No. 211 situated at Village Chainyas Bhalessa, District Doda. The specific case of the petitioner in the instant writ petition is that the father of the petitioner, namely, Mohd. Sikander Bhat was owner of the aforesaid land and after the death of the father of the petitioner, the petitioner became owner of the said land. The petitioner had orchard in the said land which was damaged in the year 2014. Vide letter No. 916/LAC dated 26.03.2015, respondent No. 4 requested respondent No. 3 for arranging the funds for payment of the damages caused to the petitioner's trees and other damages but when nothing was done by the respondents, the petitioner filed an application dated 05.04.2015 with the Tehsildar Chilly Pingal and on the same day, the application of the petitioner was forwarded to Patwari Halqa for enquiry on spot and process under rules. The detailed report dated 10.04.2015 was

submitted by the Patwari Halqa to the Tehsildar Chilly Pingal. Again on 23.04.2015, the petitioner along with other persons approached respondent No. 4 for payment of the damage caused to the orchard and respondent No. 4 forwarded the application to the Horticulture Officer vide No. 09/SDMG/PG dated 23.04.2015 with a direction that the petitioner as well as other persons shall not suffer any more and direct the Horticulture Officer to conduct the spot assessment. The assessment of the damaged trees was done by way of joint inspection of PWD Department, Revenue Department and Horticulture Department and an inspection report was prepared, which was duly signed by Patwari Halqa, Horticulture representative, work supervisor of PWD, Junior Engineer (PWD), Assistant Executive Engineer (PWD). Vide letter No. 747-49/LAS dated 10.02.2016, respondent No. 4 submitted the joint inspection report to the Horticulture Development Officer, Gandoh (Bhalessa) with a request to make the assessment of fruit bearing trees duly to be countersigned by the Chief Horticulture Department. Vide dispatch no. HDOB/3/2019-20/109-10 dated 04.10.2019, compensation for fruit trees damages was prepared/assessed which was duly countersigned by the Chief Horticulture Officer, Doda. Vide letter no. CHO/D/Dev/797-99 dated 09.10.2019, Chief Horticulture Officer, Doda submitted the compensation for the damaged fruit bearing to respondent No. 4. Vide letter No. 673/LAC dated 13.11.2019, respondent No. 4 submitted the original file of assessment to respondent No. 3 with a request to verify and authenticate the damage and release the amount of compensation. The assessment was finally authenticated by respondent No. 3 for sum of Rs.

160080/-. Vide letter no. EE/PWD/SSDG/2070-SIC dated 11.12.2019, respondent No. 3 demanded a sum of Rs. 12.95 lac from the Superintendent Engineer (PWD) R&B Circle, Doda. The petitioner approached the respondents for release for the aforesaid sum but the respondents are not releasing the same on one pretext or the other. The petitioner is entitled to receive the compensation but the respondents are not paying the same, hence the present petition.

2. Heard learned counsel appearing for the petitioner and perused the record.
3. Issue notice to the respondents, which is waived by Mr. Ravinder Gupta, learned AAG for respondent Nos. 1 to 3 and Ms. Monika Kohli, learned Sr. AAG for respondent No. 4.
4. At this stage, Mr. Iqbal Hussain Bhat, learned counsel appearing for the petitioner submits that the petitioner would be satisfied in case a direction is issued to the respondent Nos. 3 and 4 to treat the instant writ petition as a representation to accord consideration within some reasonable time, to which, learned counsels appearing for the respondents have no objection.
5. With consent of the learned counsels for the parties, the instant writ petition is taken up for disposal at this stage by directing respondent Nos. 3 and 4 to treat the instant writ petition as a representation and to accord consideration strictly under rules and as per law within a period of six weeks from the date a copy of this order along with the writ petition and Annexures are made available to the said respondents. The order of consideration which is likely to be passed be forwarded to the petitioner through registered post.

6. Needless to say that if the order goes against the petitioner, the petitioner shall be at liberty to challenge the same by way of an appropriate proceedings, if so advised.
7. Disposed of.

(WASIM SADIQ NARGAL)
JUDGE

Jammu
12.04.2024
Neha-II

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

