

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

CCP (D) No. 57/2023 in
LPA No. 38/2019

Mohd. Shafi Bhat

.....Applicant(s)/Petitioner(s)

Through :- Mr. M Nadeem Bhat, Advocate

v/s

Masrat Islam & Ors.

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG
Mr. Jasbir Singh Jasrotia, Advocate

**CORAM: HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER
04.10.2024**

1. The present contempt petition has been preferred by the appellant who is aggrieved of the alleged non compliance by the respondents of the order passed by the Coordinate Bench of this Court on 07.06.2023. The operative portion of the said order at Paragraph 12 and 13 reflects that the learned Coordinate Bench has set aside the order passed by the learned Single Judge and held that the proceedings of land acquisition which were initiated by the respondents had lapsed in terms of Section 11-B, and therefore, cannot be permitted to proceed further. The land acquisition proceedings qua the land of the contempt petitioner are thus quashed.
2. In paragraph 13, the learned Coordinate Bench gave the discretion to the contemnors to initiate fresh land acquisition proceedings if

they so require the land belonging to the contempt petitioner for any public purpose under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. Undisputedly, the land is still in the possession of the contempt petitioner. The only ground that is raised by learned counsel for the contempt petitioner is that the respondents are not permitting him to raise construction on the said land, even though, the land is in his possession.
4. Learned counsel for the contempt petitioner, as far as the acquisition of the land is concerned, has not made any categorical statement and as long as the land is in the possession of the contempt petitioner, no order can be passed in this contempt petition compelling the respondents to acquire the land. The contention of the learned counsel for the contempt petitioner that an indent has already been issued by the respondents is of no avail, till further proceedings are taken by the respondents/contemnors.
5. Under the circumstances, **this contempt petition is disposed of** along with connected application(s), if any, by giving the liberty to the contempt petitioner to approach this Court again, if a fresh cause of action arises in his way.

(Sanjay Dhar)
Judge

(Atul Sreedharan)
Judge

JAMMU
04.10.2024

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I attest to the accuracy and
integrity of this document