HIGH COURT OF JAMMU, KASHMIR & LADAKH
AT JAMMU

OWP No. 140/2017

Ghulam Ahmed Mir …..Appellant(s)/Petitioner(s)

Through: Mr. Waqar Hussain Shah, Adv.

vs

State of J&K and others ….. Respondent(s)

Ms. Sagira Jaffer, Adv. vice
Ms. Monika Kohli, Sr. AAG
Ms. Tajeswani Anand, Adv. vice
Mr. Bhanu Jasrotia, GA

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

ORDER
16.11.2026

1. The petitioner has filed the present petition for commanding respondent Nos. 1 to 4 not to disburse the compensation only in favour of respondent Nos. 5 to 7 in lieu of the installation of the Electricity Tower No. 252/O on the land measuring 01 marlas falling under khasra No. 111 and land measuring 08 marlas falling under khasra No. 112 situated at Village Hasyote, Tehsil, Thanamandi, District Rajouri as the land measuring 08 marlas falling under khasra No. 112 is jointly owned and possessed by the petitioner, respondent Nos. 5 to 7 and others. The petitioner further seeks direction to the respondents to accord consideration to the representation dated 07.11.2016 pending disposal before respondent No. 4 before disbursing any compensation in lieu of installation of Electricity Tower No. 252/0 on the land measuring 01

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marla falling under khasra No. 111 and land measuring 08 marlas falling under khasra No. 112 situated at Village Hasyote, Tehsil Thanamandi, District Rajouri.

2. Counter affidavit has been filed by the respondents stating therein that respondent No. 3 placed an indent for acquisition of the land and the field staff was directed to prepare the revenue papers for acquisition of land coming under the alignment of electricity Tower No. 252/O at Village Hasyote. It is also stated that the revenue papers were prepared by the field staff on the identification of indenting department and land bearing khasra No. 111(01 marla) 112(18 marlas) situated at village Hasyote had come under the alignment of the said Tower. As per revenue record, land bearing khasra No. 111(01 marla) has been recorded in the ownership of Muneer Husain and others, under the cultivation of Muneer Hussain Co-sharer and land bearing khasra No. 112 measuring 05 kanals 02 marlas has been recorded jointly in the ownership of Ghulam Ahmed (petitioner) and others (including respondent Nos. 5, 6 and 7) under the cultivation of Ghulam Ahmed 1/4 share, Bashir Ahmed, Abdul Rashid in equal 1/4 share, Abdul Rahim, Abdul Majid in equal 1/4 share Ghulam Rasool 1/4 share of co-sharers. It is further stated that as per field book enclosed with the land acquisition file, the land in question measuring 08 marlas bearing khasra No. 112 in which tower has been installed falls in the share of Abdul Rahim, Abdul Majid and Ghulam Rasool Co-sharers (respondent Nos. 5, 6 and 7 herein) as all the co-sharers have partitioned the land

falling under khasra No. 112 on spot through private partition and are cultivating the same accordingly.

3. The respondents have further submitted that the notice was issued under section 4(1) of the Land Acquisition Act dated 15.05.2016 calling upon the interested persons to file objections if any, but as no objections in respect of notice under section 4(1) of the Land Acquisition Act were received in the prescribed period, therefore, the case was placed before the committee headed by respondent No. 2 for private negotiation for fixation of rates and respondent Nos. 5, 6 and 7 also attended the meeting on 25.06.2016. The said Committee approved a rate of ₹10.00 lacs per kanal for the land in question. It is further stated that the petitioner submitted an application dated 07.11.2016 to respondent No. 2 that he was also a co-sharer of the land bearing khasra No. 112 and payment of compensation be also made in his favour. On receipt of the application endorsed by respondent No. 2, respondent No. 4 vide communication dated 16.01.2017 directed the Tehsildar Thanamandi to visit on spot personally and furnish detailed report. The Tehsildar Thanamandi vide his report dated 11.02.2017 reported that the portion of Tower which exists in the land bearing khasra No. 112 is in the share of respondent Nos. 5, 6 and 7 and no land of the share of the petitioner has come under the alignment of said tower.

4. Heard learned counsel for both the sides and perused the record.

5. A perusal of the record of the case file reveals that there is a dispute between the contesting parties and the petitioner has a remedy under

civil law for establishing his right to the entitlement of compensation payable/paid, particularly when the stand of the official respondents is that the land in question falls in the share of private respondents after partition. Whether the partition has taken place can be decided in the appropriate proceedings and not in this writ petition.

6. In view of the above, the present petition is disposed of with a liberty to the petitioner to avail appropriate remedy as available under law for establishing his right to entitlement of the compensation payable/paid.

(RAJNESH OSWAL)
JUDGE

Jammu
16.11.2026
Rakesh PS

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