Serial No. 20
Regular List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 278/2025
CM No. 543/2025

Sham Lal & Ors.

.....Petitioners

Through: Mr. Abhishek Kotwal, Advocate and
Mr. Joginder Singh Thakur, Advocate

Vs

Union of India & Ors.

.....Respondent

Through: Ms. Nazia Fazal, Assisting Counsel to
Mrs. Monika Kohli, Sr. AAG for R-3 & 4

Mr. Sunny Mahajan, CGSC for R-1 & 2

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(30.10.2026)

01. In para No. 3 of the writ petition, each of the petitioners has spelled out measure of the land held and possessed by him/her and the same is reproduced herein below :-

Sr. No.	Name	Measurement of Land	Khasra No.
1.	Sham Lal	4 Marla	1769
2.	Sudesh Kumar	2 Marla	1767
3.	Ravinder Singh	3 Marla	1768
4.	Joginder Kumar	3 Marla	1770
5.	Neelam Devi	4 Marla	1566
6.	Rishi Mohan	4 Marla	1565
7.	Bimla Devi	1 Marla	
8.	Tilak Raj	2 Marla	1766

02. On the other hand, by virtue of a land acquisition award **No. LA/ADC/590-95 dated 04.12.2015**, **under the Jammu and Kashmir State Land Acquisition Act, Samvat 1990,** following kharsa numbers came to be acquired which are **khasra Nos. 780 (00K-01M), 1530-min (02K-01M), 1532-min (01K-18M), 1543-min (01K-16M**), **1554-min (00K-02M), 1540-min (00K-07M), 1541-min (00K-08M), 1542 (00K-05M)**, **1544 (00K-10M), 1546-min (00K-02M), 1545-min (00K-06M), 1547-min (00K-09M), 1548 (00K 10M), 1549-min (00K-18M), 1559-min (00K-18M), 1560 (00K-11M), 1561-min (01K-08M), 1568 (00K-07M), 1571-min (00K-02M-04 Sarsai), 1572 (00K-08M), 1573 (00K-15M), 1574 (00K-09M-05 Sarsai)** and **1575-min (06K-10M)** situated at Village Phangyal, Tehsil and District Udhampur.

03. A comparative reading of the khasra numbers as mentioned in the award coming under acquisition as well as the khasra numbers of the petitioners would show that none of the khasra numbers of the petitioners have become subject matter of acquisition and still the petitioners have found themselves bothered by the National Highway Authority of India's officials, representatives and agents in the context of the alignment of the road passing through village Phangyal,

Tehsil and District Udhampur for four-laning/widening of National Highway.

04. The grievance of the petitioners ought to have been taken due cognizance of at the very first instance by none other than the administrator of the District, namely, the Deputy Commissioner, Udhampur, who is entrusted with the responsibility of addressing the grievances of the residents of his District before an aggrieved resident or residents of the District is/are compelled to approach the High Court of J&K and Ladakh.

05. Once this Court finds that khasra numbers of the petitioners are not finding any relation with the land acquisition exercise, then as to whether the National Highway is staying on its own alignment by reference to the acquired khasra numbers or deviating to come and pass through the khasra numbers relatable to the petitioners ought to have been a matter of serious concern for the Deputy Commissioner, Udhampur to address and come up with an outcome, given the fact that the entire District Revenue Establishment is under the command of Deputy Commissioner (Collector Land Acquisition), Udhampur.

06. In light of the aforesaid position, this Court therefore, **disposes of** this writ petition with a direction to the

Deputy Commissioner, Udhampur to undertake an enquiry in a detailed manner to locate as to whether the National Highway Authority of India is deviating from the alignment of the khasra numbers acquired in terms of the final award and in that venture intending to appropriate the land of the petitioners from the khasra numbers relatable with the petitioners but not forming the subject matter of the acquisition.

07. **Till the Deputy Commissioner, Udhampur comes up with a final inquiry report in this regard within a period of three months from the date of passing of this order, the petitioners' possession qua the land above referred relatable to them not to be disturbed by the National Highway Authority of India**.

08. Disposal of this writ petition shall be prejudicing the cause of none, be it of the petitioners and/or of the National Highway Authority of India, to deal with the final outcome of the inquiry to be done by the Deputy Commissioner, Udhampur.

09. **Disposed of.**

(RAHUL BHARTI)
JUDGE

JAMMU
30.10.2026
SUNIL

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