Sr. No. 25

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 383/2025

Mohan Sultan Naik .....Petitioner (s)/Appellant(s)

Through :- Mr. Qadri Towkeer Nazir, Advocate

v/s

UT of J&K and others .....Respondent(s)

Through :- Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate for R-1, 2,5&6
Ms. Monika Kohli, Sr.AAG for 3 & 4 with
Ms. Nisha Kangotra, Advocate

CORAM: HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE

ORDER
04.11.2026

01. Mr. Sammer Ahmed Itoo, Junior Assistant, SDM Office, Banihal present along with the record.

02. Petitioner has projected a stale claim for compensation on account of the respondents having taking over of his land measuring 11 Marlas, falling under Khasra No.1698, situated at Village Fhagaw Doligam, Tehsil Banihal, District Ramban, way back in the year 1998 for construction of the Primary Health Centre. It needs to be noted at the very outset that it is only on account of the failure of the officers concerned at the relevant time to adhere to the process of law, that such stale claims are being raised after decades by taking advantage of the fact that nothing was done in writing during the relevant point of time.

03. Initially, when some developmental work is undertaken, everyone is enthusiastic and ready to offer land graciously, for a reason since it adds to the value of the adjoining land tremendously. Likewise, the establishment of a medical health centre would open vistas for

commercial activities in the vicinity. But, once the work is completed, claims for compensation crop up, and proceedings for de facto acquisition has also initiated in some cases merely on the asking of the claimants.

04. Such claimants have no right and be allowed to claim compensation at enhanced rates when the land cost was much less on the date of taking over. It was only on account of the failure of the officers concerned at the relevant time to get the transaction documented.

05. In the given background, the claim of the petitioner succeeds only on account of the laxity of the officers concerned at the relevant point of time in adopting due process for taking over this piece of land, for which petitioner is equally responsible and hence, no premium can be attached to that.

06. Accordingly, it is ordered that the petitioner shall be entitled to compensation for the land utilized for the construction of the Primary Health Centre at the rates prevalent at the time when the land was taken over. The respondents shall also pay interest at the rate of 10% on the said amount from the date of taking over of the land till its actual payment, along with other incidental charges, including Jabrana, on account of the standing crop, if any.

07. Writ petition is, accordingly, **disposed of** properly or at least negotiable for acquisition by private negotiations, which was permissible under the old Act .

(Yash Paul Bourney)
Judge

JAMMU
04.11.2026
Sapna

HIGH COURT OF JAMMU & KASHMIR AND LADAKH