Serial No. 20

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Uploaded on : 20.11.2026

WP(C) No. 2036/2024

Parshotam Singh and Ors. …..Appellant(s)/Petitioner(s)

Through: Mr. Amullaya Gupta, Advocate.

vs

UT of J&K & Ors. ….. Respondent(s)

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG.
Mr. Ravinder Gupta, AAG.

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

ORDER(ORAL)
17.11.2026

1. The petitioners claims to be the co-owner and co-sharers of the land measuring 20 kanals, survey nos. 502, 503, 520, 521, 523 and 503 situated at Village Kalakass, Tehsil and District Rajouri which as per the petitioners has devolved upon them after the death of their father.

2. The case projected by the petitioner in the present petition is that PWD(R&B) Division has constructed a road from Jamola Bridge to Kha in the year 1984 and the aforesaid land of the petitioner has come under the alignment of the said road, which has been utilized by the respondents without having recourse to any procedure prescribed under the Land Acquisition Act or any law of acquisition. It is also urged that the said road was transferred to PMGSY in the year 2018-19 for its upgradation under Package No. JK12-357. The petitioners, thereafter submitted various applications to the Collector Land Acquisition and Assistant Commissioner, Revenue, Rajouri for grant of compensation, which were forwarded to PWD(R&B) Division,

Rajouri and PMGSY, Rajouri. The petitioners have placed on record the certificate issued by the Executive Engineer PWD(R&B) Division Rajouri dated 14.06.2021 to the effect that no compensation of land was ever paid to the owner of the land for Km 6th of road from Jamola to Bindi and out of that upto Km 5th compensation has been paid as per the record available in the PWD(R&B), Division office in the year 2018-19. Further, the record stands transferred to PMGSY in the year 2018-19. With the consent of the learned counsel appearing for the parties, the present petition is taken up for final disposal.

3. The petitioners have also placed on record the show-cause notice issued by the Additional District Development Commissioner, Rajouri dated 15.11.2021 to the Executive Engineer, PWD(R&B), Division Rajouri for not disposing of the representation forwarded to him. By placing these facts before this Court, the petitioners have sought the issuance of directions to the respondents to pay compensation of their land utilized by the respondents for the purpose of constructing road mentioned above.

4. Respondent Nos. 1, 4 & 5 have filed the response stating therein that the road under the nomenclature of Up-gradation of road from L027 Link from T02 to Bindi, Package No. JK12-357, Batch 1 stands approved under Up-gradation programme in the year 2018-19 which was subsequently completed on 31.10.2020. Precisely, the stand of the respondent Nos. 1, 4 and 5 is that they have simply Up-graded the existing road constructed by PWD(R&B) Rajouri. Respondent Nos. 2

and 3 have filed the response stating therein that land comprising Survey Nos. 502 measuring 14 Kanals 7 marlas, 503 measuring 16 kanals 2 and half marlas, 520 measuring 8 kanals 16 marlas and 521 measuring 38 kanals and 05 marlas and 523 measuring 08 kanals and 07 marlas situated at Village Kalakass, Tehsil and District Rajouri is recorded in the ownership and possession of petitioners alongwith other co-sharers. It is also stated that road from Jamola Bridge to Kha Jamola has been constructed by the Public Works Department. The above mentioned road is passing through the land of the petitioners comprising survey Nos. 502, 503, 521 and 523 and further that pursuant to the representation submitted by the petitioners, the matter was taken up with the Executing Agency i.e. Executive Engineer, Public Works and PMGSY Division Rajouri so that the grievances of the petitioner are addressed at the earliest. It is further stated that the report received from the Tehsildar, Rajouri reveals that the land of the petitioner has been utilized in construction of the road by the Public Works Department, Rajouri for which no land acquisition proceedings were initiated.

5. Heard learned counsel appearing for the parties and perused the record.

6. The petitioner claims to be the owner in possession of the land mentioned above and their sole grievance is regarding the non-payment of compensation for the land utilized by the respondents for constructing the road from Jamola Bridge to Kha. The revenue

department is categoric enough in its stand that the land of the petitioner has been utilized for the purpose of constructing road without any acquisition proceedings whereas the stand of the respondent No. 1, 4 and 5 is that the road was constructed by PWD(R&B) and the same was transferred to PMGSY in the year 2018-19 and they have simply upgraded the existing road.

7. Be that as it may, the fact remains that neither the petitioners nor their predecessors-in-interest were granted any compensation at any point of time.

8. In view of the above, the present writ petition is **disposed of** by directing the respondent Nos. 1, 4 and 5 to place the indent before the respondent No. 3 and after the same is placed before the respondent No. 3, he shall proceed in accordance with law so as to ensure the compensation due to the petitioner is paid to petitioners. This Court is sanguine that the compensation shall be paid to the petitioners within the period of 6 months from the receipt of this order.

9. Disposed of.

(RAJNESH OSWAL)
JUDGE

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