Serial No. 29
Regular/Supp Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

****

WP(C) 313/2025 CM(1987/2026)
CM(4842/2026)
CM(717/2025)

SADAT HUSSAIN

…Petitioner (s)

Through: Mr. Salih Pirzada, Advocate with
Ms. Ainain Qadiri, Advocate.

VERSUS

UNION TERRITORY OF J&K AND OTHERS

Through: Mr. Faheem Nisar Shah, Government Advocate vice
Mr. Mohsin ul Showkat Qadiri, Sr. AAG.

…Respondent(s)

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

ORDER
11-11-2026

01. The petitioner, through the medium of the present petition, is seeking a direction upon the respondents to release the compensation in lieu of land measuring 04 kanals and 04 marlas, comprised in Khasra Nos. 477, 478 and 479, situated at Village Sonmarg, Tehsil Gund, District Ganderbal.

02. It is case of the petitioner that he is owner of the aforesaid land, which has been illegally encroached upon by the School Education Department, whereafter, the said Department has constructed a school building on the said land.

03. The grievance of the petitioner, in brief, is that his aforesaid land has been taken over and utilised by the School Education Department, Government

of Union Territory of Jammu and Kashmir, without paying any compensation to him.

04. The respondent - School Education Department has filed its reply to the Writ petition, wherein it has been admitted that the aforesaid land, measuring 04 kanals and 04 marlas, has been found specifically under the possession of the School Education Department. It has been submitted that the petitioner has furnished his written consent expressing his willingness to receive compensation for the land under occupation and he has waived his claim for engagement/appointment in lieu thereof in terms of SR 520 of 2017.It has further been submitted that, to ensure expeditious settlement of the matter, the land acquisition case has already been projected under the Budget Estimates for the financial year 2026- 2027 and an amount of Rs. 70 lakhs has been earmarked/allotted during the current financial year for the purpose of acquisition/ compensation in respect of the subject land under the occupation of Government High School, Sonmarg.

05. Heard and considered.

06. In the reply filed by the respondents-School Education Department, wherein the said Department has admitted having utilised the land of the petitioner for construction of the school building. It has also been admitted by the respondents that no compensation has been paid to the petitioner. The instant petition, as such, can be disposed of at this stage by extending appropriate directions to the respondents.

07. Accordingly, respondents 2, 7 and 10 are directed to submit a proper indent to respondent No. 8-Collector, Land Acquisition, Ganderbal, in respect of

the land in question, within a period of eight weeks from today. Upon receipt of the said indent, respondent No. 8-Collector, Land Acquisition, Ganderbal, shall initiate proceedings for acquisition of the land and payment of compensation to the petitioner in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The entire exercise shall be completed by respondent No. 8- Collector, Land Acquisition, Ganderbal within a period of six months from the date of receipt of the indent from the indenting department.

08. Disposed of along with the connected CMs.

(Sanjay Dhar)
Judge

SRINAGAR
11-11-2026
Showkat Khan