Serial No. 49

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

****

WP(C) 946/2026 CM(2475/2026).

BASHIR AHMAD PADDER AND ANOTHER.

…Petitioner (s)

Through: Mr. F. A. Lone, Adv.

VERSUS

UNION TERRITORY OF J AND K AND OTHERS.

Through: Mr. Jahangir Dar, GA.

…Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

23-11-2026

1. The petitioners, through the medium of present petition, have sought a direction upon the respondents to pay rental value of unauthorized use and occupation of the land, with a further direction to acquire the land and pay compensation to the petitioners in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Previously, the petitioners had filed another writ petition bearing WP(C) No.145/2024. Vide the said writ petition, the petitioners had sought a direction upon the respondents to either pay compensation to which they are entitled in lieu of their land, which the department has occupied for construction of borewell at Tanjloo Chaki Wangun or for providing job to them as has been done in case of similarly situated person.

3. It is pertinent to mention here that in both the writ petitions, i.e., the present one and the earlier one, the subject matter is land measuring 1 kanal and 10 marlas falling under Survey No. 151, situated at Tanjloo Chaki, Qazigund, District Anantnag. The previous writ petition came to be disposed of by this Court in terms of a detailed order dated 09.10.2025. The relevant portion of the order is reproduced as under:-

> *05. Mr. Jehangir Ahmad Dar, learned Government Advocate has further submitted and is making a statement at the bar that the very site of 1.10 kanal of land of the petitioner in khasra No. 151 has been abandoned by the Government amounting to surrender of the same in favour of the petitioners on account of failure of the boring operation and that the land is available for the petitioners to continue to be owner in possession of the same and the compensation on account of damage whatsoever caused to the standing tree at the relevant point of time stood paid to them.*
>
> *06. In the light of the facts and circumstances of the case so obtaining, this writ petition is thus disposed of in the light of the aforesaid and the petitioners shall have the resumption of the land in reference i.e. 1.10 kanal in village Tanjiloo Checki Wangun, Qazigund in their ownership and possession to the exclusion of the Government and/or any of its authorities/establishment on any pretext whatsoever and further the decree passed by the civil court in the civil suit filed by the petitioners shall also merge in the present order.*

4. Learned counsel for the petitioners has submitted that the petitioners had made a representation after passing of earlier order dated 09.10.2025 before the respondents, but no action has been taken by them. Therefore, the present writ petition has been filed. He has further

submitted that in the earlier writ petition, the petitioners had sought alternative relief of employment to them, whereas, in the present writ petition, only compensation and rental compensation is being sought.

5. I am afraid, the course adopted by the petitioners is nothing but abuse of process of the Court. In the earlier petition, the petitioners had sought compensation for the land, which is the subject matter of the present writ petition with an alternative relief of government employment. In the present writ petition also, the petitioners are seeking compensation as well as rental compensation in respect of the same patch of land. Once this Court has decided the earlier writ petition by holding that the petitioners shall have the resumption of the land and possession of the same to the exclusion of the Government, there was no occasion for the petitioners to file a subsequent writ petition.

6. The present writ petition being barred by the principles of *res judicata*, is not maintainable. The petition is ***dismissed***.

(Sanjay Dhar)
Judge

SRINAGAR
23-11-2026
Sarvar