Item No.09
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) No.1037/2022

AB. AZIZ BHAT & ANR.

...PETITIONERS/APPELLANT(S)

Through: - Mr. Ashraf Wani, Advocates.

Vs.

UT OF J&K & ORS. ...RESPONDENT(S)

Through: - Mr. Alla-ud-din Ganai, AAG.

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

ORDER(ORAL)
17.11.2026

1) The petitioners, through the medium of present petition, are seeking a direction upon the respondents to pay compensation to them in respect of land measuring 14 marlas falling under survey No.264 situated at Reshipora Shopian.

2) As per case of the petitioners, petitioner No.1 is owner of land measuring 14 marlas comprised in khasra No.264 situated at Reshipora Shopian. It has been submitted that the said land was taken over by the respondents for the purpose of construction of school building with a promise to provide a Class IV job to petitioner No.2, who happens to be the daughter of petitioner No.1. It has been submitted that petitioner No.1 approached the respondents repeatedly for

appointing petitioner No.2 as Class IV employee, but without any success.

3) It has been submitted that the respondents have constructed a school building on the aforesaid patch of land and petitioner No. 2 is working as a sweeper in the Education Department being paid Rs.100 per month out of local funds. It has been submitted that engaging petitioner No.2 on a meagre wages of Rs.100 per month is unconscionable and the same cannot be termed as adequate compensation for the acquired land. It has further been submitted that petitioner No.2 had submitted her documents for her regularization as Class IV employee with the respondents, but she has not been regularised so far. In these circumstances, it is being contended that petitioner No.1 is entitled to claim compensation for the land utilized by the respondents for construction of the school.

4) The respondent Education Department has filed its reply to the writ petition, in which it has been submitted that petitioner No.1 has voluntarily donated the land measuring 05 marlas under khasra No.264 for construction of school building at Reshipora. It has been submitted that wife of petitioner No.1 has been engaged as a cook-cum-helper in the said school, whereas his daughter has been engaged as a local fund worker.

5) It has been submitted that the land in question is not entered in the name of petitioner No.1, but the same is recorded in the name of Abdul Rahim. It has further been submitted that wages of petitioner No.2 are pending from the year 2018 and she has not been paid any wages since then.

6) Respondent Collector Land Acquisition, Shopian, has filed a separate reply and along with his reply, he has produced the relevant record. As per the record produced by the Collector, it has been reported that Government Upper Primary School, Reshipora, has been constructed on survey No.264-min in village Reshipora on land measuring approximately 12 marlas. It has been submitted that as per the revenue extracts, 01 kanal and 10½ marlas under the aforesaid survey number is recorded in the name of Rahim who has expired many years ago leaving behind two sons Abdul Aziz Bhat, petitioner No. 1 herein and Ghulam Hassan Bhat. It has been submitted that the Collector Land Acquisition has not initiated any proceedings for acquisition of the land nor any indent has been placed by the Education Department.

7) I have heard learned counsel for the parties and perused record of the case.

8) From the pleadings of the parties, it is clear that a school building stands constructed on the land comprised in

khasra No.264-min at village Reshipora. According to the petitioners, 14 marlas of land have been taken over by the respondents for construction of the school, whereas according to the respondent School Education Department only 05 marlas of land have been utilized for the purpose of constructing the school. However, the Collector, in his reply, which is supported by record, has submitted that 12 marlas of land under the aforesaid survey number has been utilized for construction of the school building. However, the revenue record annexed with the record produced, reveals that 14 marlas of land have been utilized for construction of the school building. It seems that number "14", which is written in Urdu, has been misread by the concerned officer as "12" while framing the report. It is for this reason that it has been mentioned that only 12 marlas of land have been utilized, but the fact of the matter remains that copy of Jamabandi, which is in Urdu, shows that 14 marlas of land have been utilized by the respondents for construction of the school building.

9) It is an admitted position that the land which has been utilized by the respondents for construction of the school building is entered in the name of Abdul Rahim Bhat. This position is also reflected in the revenue record. It is reported that Abdul Rahim Bhat has died leaving behind petitioner

No.1 and his brother as his legal heirs. Therefore, it can safely be stated that the land that has been utilized by the respondents for construction of the school building has devolved upon petitioner No.1 after the demise of his father.

10) The respondent Education Department has denied payment of compensation to the petitioners on the ground that the land in question was donated by petitioner No.1 and in lieu thereof, his wife, namely, Mst. Haleema Bano has been engaged as cook-cum-helper during the year 2007 and besides this ,petitioner No.2, who happens to be the daughter of petitioner No.1, has been engaged as local fund worker. In the rejoinder affidavit filed by the petitioners, it has been clearly stated that Mst. Haleema Bano is not the wife of petitioner No.1. In fact, the name of wife of petitioner No.1 is Haneefa Bano whose Aadhaar card has been placed on record.

11) Even otherwise, respondent Education Department in its compliance report dated 13.08.2026 has submitted that there is no formal engagement order in favour of daughter of petitioner No.1. The respondents have placed on record copy of engagement order of one Haleema Bano, daughter of Ghulam Hassan Bhat, who, in any case, is not the wife of petitioner No.1. It has been further submitted that even Haleema Bano has left her job in the year 2010 and

petitioner No. 2 has not been paid even the meagre salary of Rs.100 per month since the year 2018.

12) In the face of aforesaid facts and circumstances, it cannot be stated that the condition on which petitioner No.1 may have donated the land in question to the respondent department has been fulfilled by the respondent Education Department. It has been specifically pleaded by the petitioners that petitioner No.1 had donated the land under the condition that his daughter would be employed as on a Class IV post, but, admittedly, his daughter has not been given appointment to a Class IV post and even his wife has not been given any job. By the inaction of the respondents, petitioner No.1 has been deprived of his property without adopting due course of law, thereby violating his right to property as guaranteed under Article 300A of the Constitution. The respondents are, therefore, legally obliged to pay compensation to petitioner No.1 for the land which they have utilized for construction of the school building.

13) Accordingly, the writ petition is disposed of by directing the respondents to initiate process for acquisition of the land in question and conclude the same by paying compensation to petitioner No.1 in accordance with law relating to land acquisition which is in vogue at present. The needful shall

be done by the respondents within a period of six months from the date a copy of this order is served upon them.

(Sanjay Dhar)
Judge

SRINAGAR
17.11.2026
"Bhat Altaf-Secretary"

Whether the **Order** is speaking: **YES**
Whether the **Order** is reportable: **YES/NO**

