Serial No. 16
Regular Cause list

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 2199/2023 CM(6523/2026)
C/W
WP(C) 2424/2023

NUSRAT JAN **…Appellant(s)/Petitioner(s)**

Through: Mr. Altaf Naik, Sr. Advocate with
Ms. Beenish Habib, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS. (REVENUE DEPARTMENT) **...Respondent(s)**

Through: Mr. Faheem Nisar Shah, GA

CORAM:
HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

ORDER
05.11.2026

1. Since the cause of action in both the petitions is similar, these are taken up together for disposal by a common order.

WP(C) 2199/2023, WP(C) 2424/2023:

Factual Matrix:

2. The petitioners seek quashing of the recovery notices dated 08.08.2023, issued against them by the Assistant Commissioner (Rev) Anantnag, for recovery of the compensation amount disbursed to them under the award dated 23.05.2008, passed by the Collector Land Acquisition, Assistant Commissioner (Rev), Anantnag in respect of the land acquired from them.
3. The land of the petitioners was acquired by the respondents, the Collector vide award dated 23.05.2008 determined compensation in their favour. The compensation was apportioned among the interested persons as reflected in the apportionment statement.
4. The said award was assailed by Mohammad Ramzan Naik and others before the Division Bench of this court by way of a writ petition bearing

No. OWP 723/2010 on the ground that a part of their land had also been counted towards the petitioners' holding and compensation had already been awarded to them for it.

5. The Division Bench in terms of order dated 03.08.2022 dismissed the writ petition, thereby directing the respondents to deposit the entire compensation falling into the share of petitioners as per the impugned award and the apportionment statement with the Collector within a period of six weeks from the date of order. The Division Bench, however, while dismissing the writ petition also granted liberty to the writ petitioners to seek appropriate remedy of reference as may be advised to them under law.
6. In purported compliance with the directions of the Division Bench, the respondents issued recovery notices to the petitioners for recovery of the amount already disbursed to them. These are the notices impugned in the present petitions.
7. Meanwhile, writ petitioners in OWP 723/2010, filed a contempt petition bearing CCP(D) 63/2022 titled "*Mohd Ramzan Naik & Ors. Vs. Basharat Qayoom",* seeking compliance of the Division Bench's direction. The contempt court, by order dated 18.08.2023 observed that the Division Bench had directed respondent Nos. 11 & 12, the petitioners herein, to refund the amount with the Collector and that it was not the Collector who had to deposit the amount with himself.
8. A review petition bearing RP No. 64/2023 titled "*Nusrat Jan Vs Mohammad Ramzan Naik & Ors.*" was thereafter filed against the said order. By order dated 01.09.2023, in the review petition, the Court reviewed its order by clarifying that, only that portion of the compensation was to be deposited with the Collector which had come to the share of the

contempt petitioners in terms of award dated 23.05.2008 and the apportionment statement annexed thereto. It was further clarified that the private respondents had no occasion to deposit the said portion with the Collector, as the entire amount was deposited with the Collector. The court, therefore, reviewed its order on the said lines.

9. The petitioner in WP(C) 2424/2023 namely Mohammad Ramzan Wani, in terms of undertaking dated 11.08.2023, deposited an amount of Rs. 3 Lakhs with the Collector, pursuant to the impugned recovery notice dated 08.08.2023 issued against him.

10. Learned counsel for the petitioners submits that the recovery notices were without authority of law and were founded on the mis-reading of the Division Bench directions, and, that, in any case, the entire awarded amount could not have been recovered from the petitioners.

11. Learned counsel for the respondents submits that, after the order in review petition was passed by the competent court, the respondents did not press the recovery notices.

12. Heard learned counsel for the parties and perused the record made available.

13. The recovery notices were issued in the backdrop of the direction of the Division Bench and the subsequent order by the contempt court, which had proceeded on the footing that the petitioners were to deposit the said amount. That order stands modified by the review court, whereby, it has been clarified that, that portion of the compensation was to be deposited with the Collector which had come to the share of the petitioners in OWP No. 723/2010.

14. The recovery notices, which had been issued for recovery of the amount, disbursed in favour of the petitioners were, therefore, founded on a

premise that no longer subsists after the clarification. The respondents, as is evident from the submission of the learned counsel, have themselves not pressed the notices after the review order. It may be noted that the review order leaves the Collector free to proceed against the petitioners in OWP No. 723/2010, so as to facilitate the compliance of the Division Bench order dated 03.08.2022, but only to the extent of the share of the writ petitioners in OWP 723/2010.

15. In view of the above, no live controversy survives in the present petitions, which would require adjudication on merits. The grievance of the petitioners stands redressed by the stand taken by the respondents.

16. Accordingly, both the petitions are disposed of in the following terms:

    a. The impugned recovery notice No. 162-63/LA/ACR/AMS dated 08.08.2023 & No. 160-61/LA/ACR/AMS dated 08.08.2023 are set aside.

    b. It shall be open to the respondents to act strictly in accordance with the directions of the Division Bench, as clarified by the contempt court in the review petition, i.e., to the extent of the share of the petitioners in OWP No. 723/2010 and in accordance with law, including by proceeding against the petitioners in OWP No. 723/2010 within those limits, so as to facilitate the compliance of the Division Bench order dated 03.08.2022.

    c. The liberty granted by the Division Bench to seek appropriate remedy of reference, as may be advised under law, shall remain unaffected by this order.

    d. All rights and contentions of the parties on merits, including the petitioners' right to seek appropriate remedy in case any fresh action is taken against them, are left open. However, such rights

and contentions would be subject to the undertaking that they would reimburse the party succeeding in the reference on the subject.

e. An amount of Rs. 3 Lakhs deposited by the petitioner Mohammad Ramzan wani in WP(C) 2424/2023 shall be refunded to him by the office of the Deputy Collector, Anantnag.

17. Both the petitions are disposed of on the above lines, along with connected CMs.

18. A copy of this order shall be placed on each file.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
05.11.2026
"*Adil Ismail*"

HIGH COURT
JAMMU & KASHMIR AND LADAKH