

(2021) 07 J&K CK 0025
In the Jammu And Kashmir High Court
Case No : Writ Petition (C) No. 1708 Of 2020

Abdul Rahim Bhat And Others	Vs	APPELLANT
Government Of J&K And Others		RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Jammu And Kashmir Land Acquisition Act, 1934 — Section 4, 6

Citation : (2021) 07 J&K CK 0025

Hon'ble Judges : Pankaj Mithal,CJ;Sanjay Dhar, J

Bench : Division Bench

Advocate : Shafqat Nazir, D. C. Raina, M.A.Chashoo, Sajad Ashraf

Final Decision : Disposed Of

Judgement

1. Heard Mr. Z.A.Qureshi, learned senior counsel assisted by Ms. Razia Amin, for the petitioner and Mr. D. C. Raina, learned Advocate General assisted by Mr. M. A.Chashoo, AAG, and Mr. Sajad Ashraf, GA, for the respondents.
2. The challenge in this petition is to the notification dated 21.10.2017 purported to have been issued under Section 4 of the Jammu & Kashmir Land Acquisition Act for acquiring 23 kanals of land for road widening and upgradation of road in Estate Malshahibagh Tehsil and District Ganderbal.
3. Admittedly, so far there is no declaration under Section 6 of the Act so as to finally acquire the above land. The notification under Section 4 of the Act is simply a proposal to acquire the land and since the land has not yet been finally acquire, we are of the opinion that writ petition is premature and is not maintainable at this stage.
4. Accordingly, the writ petition stands disposed of with a liberty to the respondents to proceed in accordance with law, if necessary, to acquire the

land leaving it open for the petitioners to challenge the acquisition proceedings as and when the final notification to acquire the land is issued by the respondents. It is made clear that as the land has not been finally acquired, the ownership/ title of the land has not passed to the respondents and the petitioners are free to use it in the manner they so desire.

5. The writ petition is, accordingly, disposed of.