

(2022) 03 J&K CK 0003

In the Jammu And Kashmir High Court

Case No : Others Writ Petition No. 1097 Of 2017, IA No. 1 Of 2017

Inhabitants Of Village Marmullah

APPELLANT

Vs

State And Ors

RESPONDENT

Date of Decision : 02-03-2022

Acts Referred:

Citation : (2022) 03 J&K CK 0003

Hon'ble Judges : Sanjeev Kumar, J

Bench : Single Bench

Advocate : M.Y.Akhoon, Ravinder Gupta

Final Decision : Dismissed

Judgement

Sanjeev Kumar, J

1 In this petition, the petitioner has prayed for a direction to the respondents not to change the survey/alignment in the matter of construction of link road from Chatroo to Shori via Batwari in violation of sanctioned plan.

2 Respondent Nos. 1 to 4 have filed their objections and have taken a stand that Kishtwar-Chatroo-Synthan road runs parallel to Chatroo Nallah on its left hand side and a link road Udil Gujran to Batwari has been constructed by PMGSY Division Chatroo having length of 3.30 Kms. It is submitted that another road, namely Batwari to Shree was sanctioned under NABARD which is under control of PWD. The said road was extension of road constructed by PMGSY, but during the survey of this road, it was found that some forest area was coming in its alignment and, that some residents of Batwari village had also resisted the construction of road, therefore, the take off point of Batwari-Shree road was shifted by 2 Kms which has resulted in change in alignment duly approved by the competent Authority. The respondents have placed on record a copy of approval for change of alignment as Annexure-R with the objections.

3 It is submitted that the petitioner, either under some confusion or some other

reason, raised the grievance which was not pertaining to Batwari-Shree road. The respondents have submitted that the petitioner perhaps was referring to Chatroo-Batwari road which was constructed under PMGSY. The respondents have also submitted that for the land that has come up under the acquisition for construction of aforesaid road, proper procedure laid down under J&K Land Acquisition Act was followed and the final award passed.

4 Learned counsel for the petitioner submits that the petitioners are satisfied with the reply filed by the respondents and, therefore, are not interested to pursue this petition.

4 In view of the aforesaid, there is no point in keeping this petition pending. Accordingly, the same is dismissed.

Interim directions, if any, shall stand vacated.