

(2017) 05 J&K CK 0052
In the Jammu And Kashmir High Court
Case No : 611 of 2017, MP No 01 of 2017

Mohammad Ibrahim Sheikh

APPELLANT

Vs

State of J&K and ors.

RESPONDENT

Date of Decision : 09-05-2017

Acts Referred:

[Land Acquisition Act, 1894](#), [Section 6](#) -
Declaration that land is required for a public purpose

Citation : (2017) 05 J&K CK 0052

Hon'ble Judges : Ramalingam Sudhakar

Bench : SINGLE BENCH

Advocate : M. Y. Bhat, M. A. Rathore

Final Decision : Disposed Of

Judgement

1. Notice. Mr. M. A. Rathore, learned AAG accepts notice on behalf of the respondents.

2. The instant writ petition has been filed seeking the following relief:

That by issuance of a writ of mandamus the respondents be directed to issue formal notification for acquiring the land of the

petitioner required for construction of pillars for the bridge and be directed to pay compensation to the petitioner in terms of market

rate prevalent on the date of issuance of notification under Section 6 of the Land Acquisition Act, and be also directed to pay

jabirana and interest in terms of the provisions of the Land Acquisition Act, till the payment is actually made, as same shall be in the

interest of justice.

3. Going by the nature of the relief claimed, instant petition is admitted to hearing and with the consent of learned counsel for the parties is taken up

for final disposal.

4. The petitioner states that his proprietary land situated on the banks of Nalla Sindh Kangan has been acquired by the respondents for the

constructions of Pillars required for construction of bridge over the said Nallah. It is stated that no compensation has been paid so far. Petitioner

has represented before the authority and he relies upon the proceedings of the Tehsildar, Kangan dated 15.12.2016 (Annexure-"B") addressed to

the Deputy Commissioner, Ganderbal whereby Tehsildar has recommended that land of the petitioner is forming part of the proposed constriction

for laying of bridge and, therefore, needful should be done at the earliest. Deputy Commissioner, Ganderbal, has not taken any action so far ,

forcing the petitioner to file the instant writ petition.

5. Mr. M. A. Rathore, learned AAG stated that the case of the petitioner will be considered in terms of the recommendation made by the

Tehsildar, Kangan and it may take some time for the authority to take appropriate action however, needful will be done as per law.

6. In this view of the matter, instant writ petition is disposed of with the direction to respondent No. 2- Deputy Commissioner, Ganderbal and

respondent No. 3- Collector Land Acquisition, Assistant Commissioner, Revenue, Ganderbal to accord consideration to the claim of the petitioner

in accordance with the provisions of the Act after verifying that land of the petitioner has been taken as a part of the proposed construction. Let

needful be done within a period of 12 weeks from the date a copy of this order is served upon the respondents

7. Writ petition disposed of as above.