

(2021) 07 J&K CK 0023

In the Jammu And Kashmir High Court

Case No : Others Writ Petition (OWP) No. 1909 Of 2013

Mohammad Sidiq Khan

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Jammu And Kashmir Land Acquisition Act, 1934 — Section 4, 4(1), 6, 9, 9(A), 11

Citation : (2021) 07 J&K CK 0023

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

Bench : Division Bench

Advocate : Z. A. Qureshi, Razia Amin, 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 petitioner by means of this writ petition has challenged the notification 13.08.2012 purported to have been issued in exercise of powers under

Section 4(1) of the Jammu & Kashmir Land Acquisition Act for acquiring the house of the petitioner for road widening programme viz-a-viz

construction of shops.

3. Admittedly, till date no final notification or declaration under Section 6 of the Act has been issued in the matter. The petitioner has neither been

served with notice under Section 9 or 9(A) of the Act nor there is any award under Section 11 of the Act.

4. The notification issued under Section 4 of the Act is only a proposal to acquire the land and it is not in the shape of final acquisition and, therefore,

the petition at this stage is premature. Accordingly, we do not deem it necessary to keep it pending and the same is disposed of with a liberty to the respondents to proceed, if necessary, with the acquisition in accordance with law and it will be open for the petitioner to challenge the acquisition as and when a final notification under Section 6 is issued for the acquisition of the above property.

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