

(2025) 04 J&K CK 0400
In the Jammu And Kashmir High Court
Case No : WP(C) No. 2374 Of 2022

Rakesh Kumar & Ors

APPELLANT

Vs

UT of J&K & Ors

RESPONDENT

Date of Decision : 16-04-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 04 J&K CK 0400

Hon'ble Judges : M A Chowdhary, J

Bench : Single Bench

Advocate : M.K. Sharma, Monika Kohli, Ravinder Gupta

Final Decision : Disposed Of

Judgement

M A Chowdhary, J

1. Petitioners, through the medium of this petition filed under Article 226 of the Constitution of India, alleging that their land measuring 03 Kanals comprising Khasra No. 14, 15 and 16 (New) of village Raghu Chak Samba, had been used for the construction of road from Raghu Chak to Samba since the year 2004 when the village was part of the District Kathua and later on creation of District Samba in the year 2008, this village has been made part of the District Samba, without payment of any compensation for the land acquired for the said road and further prayed that the respondents be commanded to acquire the land, in accordance with law and pay compensation to the petitioners.

2. Pursuant to notice, respondents No. 1 to 4 have filed objections stating therein that the road was constructed in the year 2004 and as per the revenue record of village Raghu Chak, Tehsil Rajpura, land measuring 10 Marlas of Khara No. 14 and 01 Kanal and 09 Marlas of Khasra No. 16 recorded in the ownership of Chaman Lal and others and the petitioners recorded as owners in the aforementioned Khasra numbers and the land has been recorded as "Gair Mumkin Sadak" and 10 marlas as "Shamlat Deh" of Khasra No. 15 shown as in

cultivation column of "Maqbooza Malkan", has also been recorded as a "Gair Mumkin Sadak".

3. It is apparent from the pleadings that the petitioners' land had been used for the construction of road by the Public Works Department without making any payment to the petitioners, who are the land owners.

4. Learned counsel for the petitioners submits that the petitioners shall be satisfied, in case, the petition is, disposed of, at this stage, with a direction to the respondents-Revenue Department and Public Works Department to acquire the land of the petitioners and pay appropriate compensation to the petitioners after assessment of the same in accordance with the applicable law. His statement is taken on record.

5. Learned counsel for the respondents did not raise any serious objections to the plea made by the learned counsel for the petitioners, provided the respondent-Collector, is placed at liberty to consider and decide the matter, in accordance with law.

6. Having regard to the pleadings on record and submissions urged at the Bar, this petition is, disposed of, with a direction to the respondents to take steps for consideration of the acquisition of the land in question owned by the petitioners and used by the Public Works Department for the construction of the road, preferably, within a period of next six months from the date a certified copy of this order is served upon them.

7. The petition is accordingly, disposed of, along with connected application(s).