

(2025) 02 J&K CK 0829
In the Jammu And Kashmir High Court
Case No : WP(C) No. 225 Of 2025

Roshan Din

APPELLANT

Vs

UT of Jammu and Kashmir and others

RESPONDENT

Date of Decision : 28-02-2025

Acts Referred:

Jammu and Kashmir Land Acquisition Act, 1934 — Section 4

Citation : (2025) 02 J&K CK 0829

Hon'ble Judges : Moksha Khajuria Kazmi, J

Bench : Single Bench

Advocate : K.M. Bhatti

Final Decision : Disposed Of

Judgement

Moksha Khajuria Kazmi, J

1 The short grievance projected by the petitioner in this petition is that he is owner in possession of land along with a residential house and shops comprised in khasra/survey Nos. 90/486 of village Draba, Tehsil Surankote, District Poonch, and has been residing there since birth, with no other alternative place to construct his residential house. The case of the petitioner is that respondents, in order to widen the Surankote-Buffliaz-Draba Bye-pass GREF Road, initiated the process of acquisition and issued a notification, with a list of structures coming under the road alignment. The house and structures of the petitioner also figured in the said list. It is further submitted that respondent no. 2 issued notification no. Col/DEL/OQ/2019-20/760-64 dated 30.09.2019, under Section 4 of the Land Acquisition Act, inviting objections from the land owners with respect to the proposed acquisition. The objections were filed, however, the grievance of the petitioner is that respondents neither considered the objections filed by the land owners, nor concluded the acquisition proceedings. In the meantime, with the enactment of The Reorganization Act 2019, J&K Land Acquisition Act 1990 was repealed and therefore, notification in terms of Section 4 of the J&K Land Acquisition Act, 1990, became redundant and respondents were obliged to issue

a fresh notification in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 [‘the amended Land Acquisition Act’].

2 This Court, in Mohd. Khalid & Ors. vs. UT of J&K & Ors, (WP(C) No. 2247/2021), quashed the notification dated 30.09.2019, impugned in the present petition and directed the respondents to proceed with the acquisition process in accordance with the amended Land Acquisition Act. Again, this Court in Mohd Rafiq and others vs. UT of J&K & Ors. (WP(C) No. 3098/2024), reiterated the aforesaid position of law, with a direction to the respondents therein to treat and consider the writ petition as a representation and accord consideration to the same within a within a timeframe.

3. Mr. K M Bhatti, learned counsel for the petitioner states that since the impugned notification dated 30.09.2019 has already been quashed by this Court in terms of the judgment (supra), he would not press for prayer No. (i) seeking quashment of the same. He submits that the petitioner would be satisfied if the respondents are directed to treat the present writ petition as a representation and decide the same within a specified time frame, on parity with and in line with the disposal of the writ petition (WP(C) No. 3098/2024) by this Court.

4. Heard learned counsel for the petitioner and perused the material on record. In view of the innocuous prayer made by the petitioner, this writ petition can be disposed of without issuing notice to the respondents. Accordingly, the writ petition is disposed of at this stage by directing the respondents to treat and consider the present writ petition as a representation and accord consideration to the same within a period of six weeks after affording an opportunity of being heard to the petitioner from the date a copy of this order, along with a copy of the writ petition and annexures, attached thereto is made available to them. Till then, the respondents shall maintain status quo with respect to structures, shops and residential house over the subject land.

5. With the aforesaid directions, the present petition stands disposed