

(2025) 09 J&K CK 0503
In the Jammu And Kashmir High Court
Case No : CM No. 2769 Of 2025

UT of J&K and others

APPELLANT

Vs

Asif Aman

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Citation : (2025) 09 J&K CK 0503

Hon'ble Judges : Rajesh Sekhri, J; Rajnesh Oswal, J

Bench : Division Bench

Advocate : Monika Kohli, Qadri Towkeer Nazir

Final Decision : Disposed Of

Judgement

Rajnesh Oswal, J

1. Learned counsel for the respondent has very fairly submitted that in view of the fact that the land in question i.e. land measuring 1 Kanal comprising survey No. 1082 Khewat No. 37 and Khata No. 41 situated at Village Peerpora, Tethar, Tehsil Banihal, District Ramban came to be in possession of petitioners in the year 2017 and the respondent was neither granted compensation nor employment, as such, he has instructions to concede the application seeking condonation of delay as also the application seeking review preferred by the petitioners, more particularly when the petitioners, in response to the contempt petition being CCP(D) No. 64/2023, have categorically stated that the land in question is no more required by the petitioners for any public purpose and the same has been vacated and handed over to the respondent.

2. In view of the above, the application seeking condonation of delay in filing the review petition being RP No. 16/2025 is allowed and the delay in filing the review petition being RP No. 16/2025 is condoned.

3. On the same grounds, the review petition being RP No. 16/2025 is also allowed and the order dated 21.09.2022 is recalled.

4. Accordingly, the review petition being RP No. 16/2025 is disposed of.
5. In light of the disposal of the review petition, the contempt petition being CCP(D) No. 64/2023 too is disposed of.
6. Main petition being WP(C) No. 1005/2022 is taken on board.
7. Ms. Monika Kohli, learned Senior AAG appearing on behalf of the respondents submits that the relief sought by the petitioner in the instant writ petition cannot be granted, as the land in question has been handed over to the petitioner.
8. Pursuant to the specific query made by this Court in respect of the compensation payable to the petitioner for the use and occupation of the land in question, she submits that the appropriate compensation may be granted to the petitioner.
9. Learned counsel for the petitioner has submitted that possession of land in question was taken over by the respondents in the year 2017 on the pretext of providing employment to the petitioner, however, neither the compensation nor the employment was provided to the petitioner and after utilizing the land of the petitioner for a period of eight years, the same has been returned to the petitioner. He has further submitted that suitable compensation for the use and occupation of the land in question be granted in favour of the petitioner, more particularly when the respondents have made the petitioner to approach this Court thrice for redressal of his grievances and he would have to spend considerable amount to make the land fit for agriculture purposes.
10. Heard and perused the record.
11. This is admitted fact that the land in question measuring 1 Kanal comprising survey No. 1082 Khewat No. 37 and Khata No. 41 situated at Village Peerpora, Tethar, Tehsil Banihal, District Ramban was gifted by the petitioner to the respondents on the pretext that the petitioner would be provided employment, however, when the employment was not provided to the petitioner, he filed a writ petition being WP(C) No. 2322/2021 titled "Asif Aman vs. UT of J&K and others", which was disposed of by this Court vide order dated 29.10.2021 by directing the respondents therein to consider and decide the claim of the petitioner for his engagement in terms of SRO 520 dated 21.12.2017.
12. Pursuant to the directions of the Court, the respondent No. 7 vide order dated 05.03.2022 rejected the claim of the petitioner for grant of employment, however nonetheless, it was mentioned in the order that the case of the petitioner would be forwarded for compensation as per procedure in terms of judgment passed by the Coordinate Bench of this Court in OWP No. 1497/2014 titled "Ali Mohammad Ahanger and another vs. State of J&K and others".
13. Thereafter, the instant writ petition was filed by the petitioner for directing the respondents to acquire the land 1 Kanal comprising survey No. 1082 Khewat No. 37 and Khata No. 41 situated at Village Peerpora, Tethar, Tehsil Banihal,

District Ramban and pay compensation. Further, he has also sought the issuance of directions to the respondents to pay the rental compensation for use of the land from the year 2017 till date.

14. This is an admitted fact that the land mentioned above is no longer required by the respondents for any public purpose and they have removed the construction raised by them over the land of the petitioner. Therefore, no direction can be issued to the respondents to acquire the land in question. However, the claim of the petitioner for grant of compensation payable by the respondents for the use and occupation of the land from the year 2017 till the handing over the possession, still survives.

15. Learned counsel appearing for the parties are ad idem that the suitable compensation be granted to the petitioner.

16. Admittedly, the land has remained in possession of the respondents from the year 2017 till 2025 and for that period, the petitioner has not been paid a single penny as rental compensation. Not only that he has been deprived of his right to use and occupation of the land mentioned above. The land in question is agricultural in nature and for the period of seven long years, the petitioner has not been able to utilize his land for any beneficial purpose. Also, he was made by the respondents to approach this Court thrice for redressal of his grievances. He would have to spend some money to make this land fit for agriculture. Therefore, we are of the considered view that an amount of Rs. 6,00,000/- including the rentals as well, as lump sum compensation, shall serve the ends of justice.

17. At this stage, Ms. Monika Kohli, learned Senior AAG has informed this Court that an amount of Rs. 12,21,507/- and an amount of Rs. 20,540/- stand deposited with the Registry of this Court.

18. In view of the above, the instant writ petition is disposed of by directing the Registry to release an amount of Rs. 6,00,000/- in favour of the petitioner as lump sum compensation after his proper verification by his counsel and the balance amount, if any, be released in favour of the respondents.

19. Disposed of along with the connected application, if any.