
(2017) 05 J&K CK 0046
In the Jammu And Kashmir High Court
Case No : 612 of 2017, MP No 01 of 2017

Zahoor Ahmad Dar

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 0046

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 calculate and release the recurring loss caused to the petitioner because

of destruction of trees and same be paid from the date of road was constructed till the land is formally acquired. By issuance of a writ of

mandamus the respondents be directed to issue formal notification for acquiring the 15 Marlas of land of the petitioner 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 he is owner and in possession of land measuring 02 Kanals situated at Mouza Anderwan . Tehsil Kanga. It is stated

that out of the said land 15 Marlas of land has been acquired by the respondents for construction of a new road. Learned counsel for the petitioner

states that Revenue Authorities have given a factual report with regard to the acquisition of the land of the petitioner for construction of road,

however, no steps have been taken by the respondents to pay the compensation to the petitioner.

5. Mr. M. A. Rathore, learned AAG stated that the claim of the petitioner will be considered by the respondents and needful will be done as per

law.

6. In this view of the matter, instant writ petition is disposed of with the direction to respondents 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.