

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

OWP No. 844/2018

1 Shiv Lal son of late Sh. Dewan Chand petitioner (s)
resident of Chapper Bandhole earlier Tehsil
Ramnagar now Tehsil Latti District
Udhampur
2. Raj Kumar
3. yog Raj both sons of late Sh. Mani Ram
resident of Chapper Sarota
4. Pritam Kumar age 41 years son of late Sh.
Hans Raj resident of Chapper
5. Gridhari lal age 38 years son of late Sh.
Hans Raj resident of Chapper.

Through :- Mr. Z.A.Qazi Advocate.

V/s

1 State of Jammu and Kashmir th.Respondent(s)
Commissioner/Secretary Department of
Revenue
2. The Commissioner/Secretary PWD
Government of Jammu and Kashmir
3. The Deputy Commissioner Udhampur
4. The Sub Divisional Magistrate, Dudu
5. The Tehsildar Latti, District Udhampur
6. The Executive Engineer PWD R&B,
Udhampur
7. Chief Engineer PWD R&B, Jammu

Through :- Ms Nazia Fazal Advocate vice
Ms. Monika Kohli Sr. AAG
Ms. Pallavi Advocate vice
Mr. Ravinder Gupta AAG.

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER

(31.10.2023.)

1 The short grievance projected by the petitioners in this petition is
that they are owners of different parcels of land falling under survey Nos.
87/min, 339/min, 1582/75 and 1757/1692/78 min situate in village Chapper
which has been taken possession of and utilized by the Department of Public

Works (R&B), Division-Udhampur for construction of road from Sudhmahadev to Duddu Basantgarh. It is contended that the proprietary land of the petitioners has been taken possession of and utilized by the respondents without payment of any compensation. The petitioners, in short, seek a direction to the respondents to pay compensation for the land which they have taken over for construction of road from Sudhmahadev to Duddu Basantgarh.

2 On being put on notice, the respondents have filed their objections. The respondents have not denied having taken over the land of the petitioners for construction of road from Sudhmahadev to Duddu Basantgarh. It is, however, submitted that, with a view to formally acquire the land and disburse the compensation to the rightful claimants/interested persons, Chief Engineer PW(R&B) Department Jammu vide his letter No. CE/LA/2022-24 dated 22.11.2022 has placed a formal indent for acquisition of the land with the Deputy Commissioner, Udhampur, so that the process for acquisition of the land in terms of the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 [“the Act of 2013”] is taken up and the requisite compensation is paid to the interested persons. The Deputy Commissioner, Udhampur Collector/Collector Land Acquisition, Udhampur, however, has not responded after the placement of the indent.

3 Having heard learned counsel for the parties and perused the material on record, I am of the considered opinion that this petition, in light of the fair stand taken by the respondents, needs to be disposed of finally by providing as under:

- (i) The Deputy Commissioner, Udhampur, who has been given a formal indent by the Chief Engineer, PW(R&B), Jammu vide his communication dated 22.11.2022, shall proceed in

the matter and initiate either himself or through the concerned Collector Land Acquisition, the proceedings for acquisition of the land in question under the Act of 2013 without any further loss of time;

- (ii) All pre-acquisition formalities shall be completed by both the parties i.e the indenting Department and the Collector Land Acquisition within a period of two months from today; and,
- (iii) The process for acquisition shall be initiated and completed strictly as per the time schedule provided under the Act of 2013.

Ordered accordingly.

4 Needless to say that in case the petitioners or any of them feel aggrieved of the manner in which the proceedings are initiated or that there is delay in acting in the matter, he/they shall be free to come to this Court again.

Disposed of with the aforesaid observations.

(SANJEEV KUMAR)
JUDGE

Jammu
31.10.2023
Sanjeev

whether order is speaking: Yes