

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CJ Court

WP(C) No.1708/2020

Abdul Rahim Bhat and others. ...Petitioner(s)/Appellants.

Through: Mr. Shafqat Nazir, Advocate.

Vs.

Government of J&K and others.Respondent(s)

Through: Mr. D. C. Raina, AG, with Mr. M.A.Chashoo, AAG, and
Mr. Sajad Ashraf, GA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

28.07.2021

1. Heard Mr. Z.A.Qureshi, learned senior counsel assisted by Ms. Razia Amin, for the petitioner and Mr. D. C. Raina, learned Advocate General assisted by Mr. M. A.Chashoo, AAG, and Mr. Sajad Ashraf, GA, for the respondents.

2. The challenge in this petition is to the notification dated 21.10.2017 purported to have been issued under Section 4 of the Jammu & Kashmir Land Acquisition Act for acquiring 23 kanals of land for road widening and upgradation of road in Estate Malshahibagh Tehsil and District Ganderbal.

3. Admittedly, so far there is no declaration under Section 6 of the Act so as to finally acquire the above land. The notification under Section 4 of the Act is simply a proposal to acquire the land and since the land has not yet been finally acquire, we are of the opinion that writ petition is premature and is not maintainable at this stage.

4. Accordingly, the writ petition stands disposed of with a liberty to the respondents to proceed in accordance with law, if necessary, to acquire

the land leaving it open for the petitioners to challenge the acquisition proceedings as and when the final notification to acquire the land is issued by the respondents. It is made clear that as the land has not been finally acquired, the ownership/ title of the land has not passed to the respondents and the petitioners are free to use it in the manner they so desire.

5. The writ petition is, accordingly, disposed of.

(SANJAY DHAR)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Srinagar
28.07.2021
Abdul Qayoom, PS

