S.no. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CJ Court

Case No. LPA No. 80/2026 in
[WP(C) No. 1625/2020]
CM No. 2709/2026
CM No. 2710/2026
CM No. 705/2026
Date of Pronouncement: 05.11.2026
Uploaded on: 05.11.2026

1. National Highway Authority of India
Through Project Director, PIU-Jammu
Sh. Rajiv Kumar, Age- 45 years
Ist Floor, Sector-1,
Channi Himmat, Jammu.

2. Regional Officer
National Highway Authority of India
Ist Floor, Sector-1
Channi Himmat, Jammu.

Through: Mr. Sunny Mahajan, Advocate.

vs

1. Ch. Mohd. Sadiq
S/o Munshi Khan
R/o H. No. 425,
Digiana Ashram, Jammu.

2. Union of India
Through Ministry of Housing and
Urban Affairs, Nirman Bhavan,
Maulana Azad Road, New Delhi.

3. Director General,
Central Public Works Department,
New Delhi.

4. Union Territory of Jammu and
Kashmir, Through
Commissioner/Secretary to
Government, Revenue Department,
Civil Secretariat, Jammu.

5. Deputy Commissioner/ District
Collector, Jammu.

6. Chief Engineer,
Public Works Department, Jammu.

Through: Ms. Monika Kohli, Sr. AAG with
Ms. Malvika Gupta, Assisting counsel

Mr. Pranav Kohli, Sr. Advocate with
Mr. Aftab Malik, Advocate.
Mr. Farhan Mirza, Advocate.
Mr. Ronak Gupta, Advocate.
Mr. Bilal Choudhary, Advocate.

Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

PER OSWAL-J

1. In terms of judgment dated 24.02.2026 passed in WP(C) No. 1625/2020, titled *'Ch. Mohd. Sadiq v. Union of India & Ors.'*, the learned Single Judge directed the appellant-NHAI to either submit a fresh indent for the acquisition of the subject land to the Collector/Competent Authority, or alternatively, restore possession thereof to the landowners within six months from the date of receipt of a certified copy of the said judgment. The learned Single Judge further directed the Collector/Competent Authority to initiate acquisition proceedings under the applicable law and conclude the same within the timeline prescribed by the relevant statute.

2. The appellant-National Highways Authority of India, has impugned the judgment (supra) primarily on the ground that Respondent No. 1 had raised disputed questions of fact in the writ petition, which were contrary to the documents on record; as such, the learned Writ Court ought not to have allowed the petition. The appellant further relies upon the order dated 26.06.2006 to assert that Respondent No. 1 lacks title over the

property in question, and consequently, no direction for initiation of acquisition proceedings could have been issued at his instance.

3. Learned counsel for the appellant has argued that the order dated 26.06.2006 clearly demonstrates that in the Girdawari of 1957, the columns of ownership and tenancy were left blank, and the land measuring 2 kanals was explicitly recorded as *'Gair Mumkin Road'*. Consequently, Respondent No. 1 had no right, title, or interest over the subject land measuring 2 kanals, falling under Survey No. 299, situated at Village Dagiana, Jammu, in respect of which the learned Writ Court has erroneously directed the initiation of acquisition proceedings.

4. *Per contra*, Mr. Pranav Kohli, learned Senior counsel submitted that the revenue records, specifically the Jamabandi for *Kharif 2000 Bikrami –Rabi 2001 Bikrami*, reflect that the land measuring 3 kanals under Survey No. 299 was jointly owned by several co-owners, including Late Munshi Khan (son of Shukar Din), the predecessor-in-interest of Respondent No. 1. It was further submitted that upon his demise, Mutation of Inheritance No. 2894 was duly sanctioned, attesting the land in favour of Respondent No. 1 and other co-sharers. As such, the appellant's contention disputing the ownership of Respondent No. 1 is completely baseless and misconceived.

5. Heard and perused the record including the record produced by Ms. Monika Kohli, learned Sr. AAG.

6. Learned counsel for the appellant primarily submitted that the order dated 26.06.2006, directing correction of the Girdawari for land measuring 9 marlas comprising Survey No. 299, Village Digiana, Jammu, categorically records that the Girdawari of 1957 reflected the ownership and tenancy columns as blank, with 2 kanals being classified as *'Gair Mumkin Road'* forming part of the Jammu–Pathankot National Highway. On this basis, the appellant asserts that Respondent No. 1 is not the owner of the land in question, rendering the direction for acquisition impermissible in law.

7. A perusal of the record reveals that in the Jamabandi preceding the year 1957, the predecessor-in-interest of Respondent No. 1, namely Munshi Khan, was duly recorded as an owner-in-possession (co-sharer) in respect of land measuring 2 kanals 16 marlas (*Waryal Awal*) and 4 marlas (*Gair Mumkin*), aggregating to a total of 3 kanals comprising Survey No. 299 situated at Village Digiana. Merely because the ownership column in the subsequent Khasra Girdawari of 1957 was left blank, it cannot be construed that the predecessor-in-interest of Respondent No. 1 was divested of his ownership, more particularly when the prior Jamabandi categorically records him as a co-owner in possession of the entire 3 kanals under Survey No. 299 of Village Digiana. Out of the said 3 kanals of land, land measuring 11 marlas was sold to Makhan Singh, while 2 kanals came to be occupied by the

CPWD for the construction and maintenance of the Jammu–Pathankot National Highway, which was subsequently handed over to the appellant. Significantly, the record establishes the undisputed fact that no compensation has ever been paid to the rightful landowners.

8. We have examined the judgment rendered by the learned Writ Court and find that the view taken by the learned Writ Court is unexceptionable and does not warrant any interference by this Court. The learned Writ Court has considered the matter in its proper perspective and has issued directions in accordance with the applicable law. We do not find any illegality, infirmity or perversity in the impugned judgment that would warrant interference by this Court in the exercise of its appellate jurisdiction. Accordingly, the present Letters Patent Appeal, being devoid of merit, is **dismissed.**

(RAJNESH OSWAL)
JUDGE

(Dr. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

Jammu
05.11.2026.
Neha-1

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No