



Government of Jammu & Kashmir
Housing & Urban Development Department
Civil Secretariat, J&K, Jammu.

Subject: Cancellation of allotment of piece of land measuring one Kanal under Khasra No. 37 at village Rakh Bahu, Tehsil Bahu (Jammu) in favour of Lt. Col. Daljit Singh Dogra S/o late Major Anchal Singh R/o 17-B Ext. Gandhi Nagar, Jammu.

Govt. Order No. *50*-HUD of 2018

Dated:- *16*-02-2018

Whereas, Maharaja Hari Singh acquired the whole area comprising Ahata Haweli Begum for the purpose of inclusion in his Palace at Ram Nagar, wherein land measuring 6 kanal and 1 marla belonging to Shri Major Anchal Singh also came under acquisition;

Whereas, no compensation was paid to Major Anchal Singh for land acquired and in response to the representation made by him, the then Deputy Revenue Minister on 18.01.1954 after considering the representation of Anchal Singh to the authorities considered and decided to provide land in exchange for the land acquired and cash compensation for the structure;

Whereas, the directions of the then Deputy Revenue Minister issued on 18.1.1954 were not implemented for variety of reasons therefore Smt. Sita Devi filed writ petition 200 of 1979 titled Smt. Sita Devi V/s State of Jammu & Kashmir. The writ petition was disposed of on 16.02.1989 with the direction to allot a piece of land measuring about 2 kanals in Housing Colony Jammu city alongwith the directions to the respondents to ascertain the compensation of the construction raised by Maj. Anchal Singh in terms of order dated 18.1.1954;

Whereas, the petitioner Smt. Sita Devi as well as respondents (State of Jammu & Kashmir) were not satisfied with the above judgement dated 16.02.1989, filed LPA No. 16/1989 and LPA No. 32/1989 challenging the judgement delivered by the Single Bench. LPAs were disposed of on 17.11.1999 with the direction to the respondent to take steps to allot 6 kanals and 1 marla of land in the vicinity where there was an earlier proposal to allot two plots and in case piece of land is not available, then appellants be paid just compensation;

Whereas, the State Government did not take steps to allot 6 kanals and 1 marla of land for the reasons that the entire quantum of land stood transferred to Jammu Development Authority (JDA) and no land was available to meet the claims of the petitioner (Smt. Sita Devi and successors in interest);

Ans
Jawal

Whereas, in compliance to the LPA judgment dated 17.11.1999, an amount of Rs. 13, 98,090.50 was assessed as land compensation and sanctioned vide Order No. FC/P&S/Plan-496 of 2009-10 dated 25.02.2010 and placed at the disposal of Deputy Commissioner, Jammu for making payment which the petitioner refused to accept, and instead preferred the implementation of that part of the judgement dated 17.11.1999 which directed the State Government to allot 6 kanals and 1 marla land to the petitioner;

Whereas, the petitioner (Smt. Sita Devi) filed a contempt petition OWP No. 128/2000 titled Col. Daljit Singh Dogra and another Vs Iqbal Khanday and Ors which was disposed off by the Hon'ble Court on 17.12.2015. The operative part of the judgement read as under:-

“ It is thus manifestly clear that the respondents have all along not been sincere in implementing the LPA court judgement in letter and spirit and adopted all delaying tactics to deprive the petitioners of benefit accruing to them under the LPA court judgement. It can be stated without any fear of contradiction that transfer of any state land situated within the limits of Jammu Municipal corporation which has been transferred to JDA after the rendering of LPA court judgement would be subject to obligation under the judgement and the same can be reclaimed by the State government to discharge its obligation and fulfil its commitments made in favour of petitioners. Respondents cannot be permitted to pass on the buck to one another to regale out of the obligations under the LPA court judgement. The LPA court judgment has to be implemented but enforcing the primary obligation on the part of State to allot 6 kanals and 1 marla of land in the vicinity of the two plots earlier proposed to be allowed and in the event of such land having been subsequently transferred to JDA, to reclaim the land and make it available to the petitioners. Offering of compensation in lieu of land not being the first option and transfer of land by State to JDA after the LPA court judgement, not being a limiting factor to implement the judgement, by reclaiming the state land transferred, it would be appropriate to direct Chief Secretary to take substantial and effective steps to implement the judgement by making such land available to petitioners within the ambit of LPA court judgement. This be done within a period of Six weeks from the date of service of this order”.

Whereas, Housing & Urban Dev. Department requested the VC, JDA to identify a piece of land measuring 6 kanals and 1 marla within its jurisdiction so that the same can be offered to the petitioner in compliance to the Hon'ble High court order dated 17.11.1999;

Whereas, Lt. Col. Daljit Singh Dogra S/o Lt. Major Anchal Singh vide his letter dated 16.03.2016 consented to the allotment of land measuring 6 kanals and 1 marla falling in Khasra No. 211 Village Paloura Tehsil Jammu and a Government Order No. 134-HUD of 2016 dated 6.4.2016 was issued in this regard, thereby allotting the land to the petitioner;

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Whereas, corrigendum to the Government Order No. 134-HUD of 2016 dated 6.4.2016 was issued as the nature of the land mentioned at khasra No. 211 was gair mumkin khad on which construction cannot be raised and accordingly 5 kanals and 1 marla was identified under khasra No. 346 at Village Paloura and 1 kanal under Khasra No. 362 at village Toph Sherkhania and allotted to petitioner;

Whereas, the possession of the land measuring 1 kanal under khasra No. 362 could not be handed over to the petitioner as it belonged to Shishu Samadian. Therefore, a corrigendum to the Government Order No. 134-HUD of 2016 dated 06.04.2016 was issued by the Department on 7.10.2017, wherein land measuring 1 kanal under khasra No. 37 at village Rakh Bahu, Tehsil Bahu, Jammu, identified by VC, JDA was allotted to the petitioner in lieu of the earlier land allotted at khasra No. 362 at village Toph Sherkhania;

Whereas, the whole matter was examined in this department and it transpires that the location for a plot of land measuring 1 kanal allotted to the petitioner at khasra No. 37 at village Rakh Bahu is superior to the one allotted earlier at khasra No. 362 at village Toph Sherkhania and therefore, there cannot be equivalence as far as the market value of both the locations is concerned. Hence the matter requires fresh examination in the department;

Whereas, it has also come to the fore that the petitioner has started raising the construction on the said piece of land for commercial purposes without seeking the prior approval of competent authority and the issue regarding violations has also been highlighted by the complainants, which speaks of malafide intention of the allottee to whom the land was allotted for rehabilitation purposes and was not supposed to indulge in the change of land use and;

Now keeping in view the above stated facts, the allotment of piece of land measuring 1 kanal under khasra No. 37 at Village Rakh Bhau, Tehsil Bahu (Jammu) in favour of Lt. Col. Daljit Singh Dogra S/o Late Major Anchal Singh R/o 17-B Ext. Gandhi Nagar, Jammu given vide Govt. Order No. 134-HUD of 2016 dated 06.04.2016 is hereby cancelled ab-initio. VC, JDA is further advised to assess and make just compensation to the allottee in lieu of the allotment of land measuring 1 kanal in compliance to the Hon'ble Court judgement dated 17.11.1999 in LPA No. 16/89,32/89 titled Lt. Col. Daljit Singh Dogra V/s Iqbal Khanday & Ors. Further VC, JDA will also ensure that all the land in the said/same khasra No. is identified, mapped and retrieved from the encroachers and furnish the compliance report in this regard to the Administrative Department within a month's time.

By Order of Government of Jammu and Kashmir.

Sd/-

(K.B. Agarwal)IAS

Financial Commissioner

Housing & Urban Development Department

No.:- HUD/Lit/485/2015-JDA

Dated/6/02.2018.

Copy to the:-

1. Commissioner/Secretary to Govt., Department of Law, Justice & Parliamentary Affairs.



2. Vice Chairman, Jammu Development Authority.
3. OSD to Hon'ble Deputy Chief Minister (I/c Minister Housing and Urban Development Department).
4. OSD to Hon'ble Minister of State for Housing and Urban Development Department.
5. Additional Secretary, Governor's Secretariat Raj Bhawan, Jammu.
6. Senior Law Officer, housing & Urban Dev. Department.
7. Private Secretary to the Chief Secretary, J&K Jammu.
8. Private Secretary to Financial Commissioner, Housing & Urban Development Department.
9. Lt. Col. Daljit Singh Dogra S/o Late Major Anchal Singh R/o 17-B Ext. Gandhi Nagar, Jammu.
10. Government Order (w.s.2).



(Dr. Javid Rehman)

**Under Secretary to Government
Housing & Urban Development Department**

