

GOVERNMENT OF JAMMU & KASHMIR (UT)
OFFICE OF THE COLLECTOR LAND
ACQUISITION (ACR) RAMBAN

Subject: Preliminary Notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for land measuring 78K-½M in village Demote, Tehsil & District Ramban required for the purpose of "construction of road from Kunda to Bhata via Shaldan in village Demote Tehsil and District Ramban under NABARD".

No: 03/ACR of 2024

Dated: 15/02/2024

Whereas, a writ petition was filed by the Petitioners namely Sagar Singh Chib & Ors. in court case titled Sagar Singh Chib & Ors. V/s Union Territory of J&K through Commissioner/ Secretary, Public Works Department (PWD), Civil Secretariat, Jammu/Srinagar & Ors. in WP©No.764 of 2022 against the respondents for completing the process of acquisition and disbursement of compensation within the time bound manner.

Whereas, the Division Bench of the Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu passed an order dated 1.04.2022, the operative part of which is reproduced as under,

"3. Be that as it may, this petition is disposed of with a direction to respondent No.7- Chief Engineer PWD(R&B) Department, Jammu to place an Indent with the respondent No.6-Collector Land Acquisition (Additional Deputy Commissioner), Ramban within one month from today and thereafter, The Revenue Department shall initiate steps for acquisition of the land in question and complete the process of acquisition within six months thereafter. Any delay at any stage, can be condoned only if specific request for extension is made by the officer concerned, failing which, responsibility will be upon the concerned officer".

Whereas, the Petitioners initiated contempt proceedings in the said court case vide CCP (No.) 23/2022 against the official respondents of Indenting Department (respondents No.01, 7 & 8) for not placing an Indent as per the directions of the Hon'ble Court in the aforementioned order.

Whereas, Chief Engineer PW (R&B) Department Jammu placed indent vide his No. CEJ/LA/194-96 dated 05-07-2022 for the acquisition of land measuring 78Kls-½Mls situated in village Demote Tehsil & District Ramban for the purpose of "construction of road from Kunda to Bhata via Shaldan in village Demote Tehsil and District Ramban under NABARD.

Whereas, the petitioners extended the contempt proceedings against the official respondents of the Revenue Department (respondent Nos. 2,3,4,5 & 6) for not initiating the acquisition proceedings thereafter.

Whereas, this Collectorate on behalf of the official respondents No's. 2,3,4, 5 &6 submitted "Statements of Facts" in the Hon'ble High Court of Jammu & Kashmir and Ladakh at Jammu wherein it was submitted that there is legal impediment to initiate fresh land acquisition proceedings as the Social Impact Assessment Study cannot be conducted which is mandatory under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 until the Government notifies the final draft rules under Section 109© & (d) of the Act regarding the manner and limit for carrying out Social Impact Assessment Study report under Sub-section (1) of the Section 6 and it was prayed that the time for initiation of fresh land acquisition proceedings may kindly be extended till the Government notifies the final draft rules under the said Act.

Whereas, the Government of Jammu and Kashmir, Revenue Department Civil Secretariat, notifies the final draft rules i.e. "The Jammu and Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement(Social Impact Assessment and Consent) Rules, 2023 vide **S.O 440** dated 24th of August, 2023.

Whereas, the Hon'ble High Court of Jammu & Kashmir and Ladakh in an order dated 25.08.2023 while closing the contempt proceeding in CCP(D) No. 23/2022 issued the directions which are reproduced as under:

4. In view of the aforesaid stand taken by the respondent, no case is made out of initiating contempt proceedings at this stage as the judgement itself grants six months time for completing the process of acquisition.

5. Be that as it may, the Collector Land Acquisition and other respondents are directed to complete the process of acquisition within six months from today.

5. We also make it clear that in case the judgment remains unimplemented and the process of acquisition is not taken to its logical end within the aforesaid period, the petitioner shall be entitled to come to this Court again by way of fresh contempt petition.

6. However, in view of the given facts and circumstances the reasons noted above, the proceedings in this contempt petition are closed.

Whereas, the Indent placed by the Chief Engineer PW (R&B) Department Jammu was perused in consonance with the provision contained in the aforementioned rules notified vide S.O 440 of 2023 dated 24.08.2023, it was found that the Indent has not been placed strictly as per the Rule 3(1), (3) & (5) of **The Jammu and Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement(Social Impact Assessment and Consent) Rules, 2023** and accordingly the matter was taken up with District Collector (Deputy Commissioner) Ramban vide this office No. Acq/Gen/Rbn/23/209 dated 12.09.2023. The District Collector (Deputy Commissioner) Ramban took the matter with Chief Engineer PWD (R&B) Jammu vide No. DCR/HQA/2023-24/634-36 dated 11.10.2023 and requested to place fresh Indent alongwith requisite documents strictly as per the conditions outlined in S.O 440 of 2023 dated 24.08.2023.

Whereas, this Collectorate vide No. Acq/Gen/Rbn/23/296-98 dated 18.10.2023 again requested Chief Engineer PWD (R&B) Jammu to place Indent as per conditions outlined in S.O 440 of 2023 dated 24.08.2023 alongwith funds tentatively calculated to the tune of **Rs. 10.12 Cr.**

Whereas, meanwhile, this Collectorate constituted a committee vide No. Acq/Gen/Rbn/23/199-208 dated 12.09.2023 as per Rule 4 of the Rules notified vide S.O. 440 of 2023 to conduct preliminary enquiry in the said land acquisition case with the directions to submit its report within 15 days.

Whereas, the committee submitted its report dully endorsed by Tehsildar Ramban vide his No.TR/OQ/2023-24/Misc/1960 dated 02.11.2023 perusal of which reveals that the said road already stands constructed upto Shaldan and alternate State/Government land cannot be proposed for the road in question. Further, there is no involuntary displacement involved in the acquisition of said land and accordingly, no rehabilitation is required. Assessments of FBTs and NFBTs have already been submitted by the respective Department. The construction of land has no economic as well as social adverse on the local inhabitants. Land owners have no objection on the said acquisition and consent as required under Sub-rule (2) of Rule 17 and Sub-rule (1) of Rule 20 on Form-V (Part-A) (Prior Written Consent of the Affected Land Owners or Declaration Form) has been obtained from them. Resolution of Gram Sabha as per Sub-rule (7) of Rule 21 on Form-V (Part B) has also been obtained. Moreover, the committee also submitted that some land owners/ interested persons have objections with respect to the quantum of land involved in the said acquisition for the rectification of which Tehsildar Ramban will demarcate the land and submit a separate report alongwith relevant revenue papers in triplicate.

Whereas, Tehsildar Ramban vide conducted a joint on-spot verification alongwith the officials concerned and requested some rectifications his No. TR/OQ/2023-24/Rev/1722 dated 07.11.2023 in the Revenue Records/ Field Book already prepared in the said land acquisition case which are given as under:-

S.No. (in Compensation File)	Remarks
49	Land Measuring 13Mls is coming under Khasra No. 569 instead of 01K-01M. Hence 08 Marlas of excess land is recorded in the land acquisition file.
60	Land Measuring 02K-01M is coming under Khasra No. 591 instead of 01K-19 ½M as shown in the acquisition file. Thus, 01½M additional land is also coming under the said acquisition.
67	Land Measuring 01K-17Mls is coming under Khasra No. 620 instead of 01K-11 ½M as shown in the acquisition file. Thus, 05½M additional land is also coming under the said acquisition.

Whereas, Chief Engineer PW (R&B) Department, Chenab Zone Batote vide his No. CEC/ 2395-97 dated 06-01-2024 placed a fresh Indent under the provisions of S.O 440 of 2023.

Whereas, keeping in view the findings and recommendations of the committee constituted by this Collectorate, written consent submitted by the land owners concerned as required under Sub-rule (2) of Rule 17 and Sub-rule (1) of Rule 20 on Form-V (Part-A) (Prior Written Consent of the Affected Land Owners or Declaration Form), resolution submitted by Gram Sabha as per Sub-rule (7) of Rule 21 on Form-V (Part-B) and no family/families are likely to be displaced due to the instant land acquisition case, this Collectorate has decided to consider the report of the committee as Social Impact Assessment Report as required under Section 4,5,6,7 &8 of "The Jammu and Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and Rules 9,13,14,15,16 &17 of "The Jammu and Kashmir Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement(Social Impact Assessment and Consent) Rules, 2023"

Whereas, in exercise of the powers vested in me under Section **11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**, I Mr. Harpal Singh, Collector Land Acquisition (ACR), Ramban do hereby notify that land particulars of which are given below is likely to be needed for public purposes namely for the purpose of "**construction of road from Kunda to Bhata via Shaldan in village Demote Tehsil and District Ramban under NABARD**" at Demote Tehsil & District Ramban.

APPENDIX:

A).PARTICULARS OF LAND:**VILLAGE: DEMOTE****TEHSIL: RAMBAN****DISTRICT: RAMBAN**

S. No	Khasra No.	Type of title	Type of Land	Area under in		Name and Address of person interested
				KIs	MIs	
1.	195	Malkiat	Hail/GM	01	13	Khudkasht Kuldeep Singh, Shakti Singh, Om Singh equal sharer Nisab(half Share) Bhadar Singh Nisab (Half Share) Hisadaran
2.	196	Malkiat	Hail/GM	02	0½	-do-
3.	198	Malkiat	Hail	00	04	Khudkasht Hari Ram Singh, Amar Singh, Bharat Singh, Sham Parsad Singh Balwan Singh, Dhyan Singh Equal Share 06 Share, Sandeep Singh, Mst. Rajwanti Devi Equal Share-01 Share, Ravinder Singh 01 Share-Hisadaran
4.	200	Malkiat	Hail/GM	01	08	Khudkasht Omkar Singh Hisadar
5.	201min	Malkiat	Hail	00	03	Khudkasht Hari Ram Singh & others as per item No. 3
6.	201min	Malkiat	Hail/GM Banna	00	13	Khudkasht Hari Ram Singh & other as per item No. 3
7.	201min	Malkiat	Hail/GM	00	3½	Khudkasht Hari Ram Singh & other as per item No. 3
8.	201min	Malkiat	Hail/GM	01	00	Khudkasht Hari Ram Singh, etc. as per item No.03
9.	203	Malkiat	Hail	00	03	Khudkasht Isher Singh Hisadar
10.	206	Shamlat Deh Hasb-e-rasd Khewat	GM Rasta	00	07	Shar-e-aam
11.	209	Malkiat	Warhal Mandi/GM	00	06	Khudkasht Ram Singh, Sham Singh and Balwant Singh equal sharer Hisadaran
12.	226	Shamlat Deh Hasb-e-rasd Khewat	GM Rasta	00	07	Shar-e-aam
13.	227	-do-	Warhal Changi/GM	00	17½	Khudkasht Kali Singh Hisadar
14.	229	-do-	Warhal Mandi	00	01	Kasht Hari Ram Singh, Amar Singh, Bharat Singh, Sham Prasad Singh, Ashok Singh Ss/o Nand Lal equal sharer Thakkar Chib Sakinan Deh Kabazan
15.	230	-do-	Warhal Mandi/GM	00	09	Khudkasht Kuldeep Singh & Ors as per Item No. 1
16.	461	Malkiat	Warhal Changi/GM	00	14	Khudkasht Ram Singh, Sham Singh, Balwant Singh equal sharer Hisadaran
17.	462	Malkiat	Warhal Changi/GM	00	06	Khudkasht Hari Ram Singh & others Hisadaran
18.	464	Shamlat Deh Hasb-e-rasd Khewat	Warhal Mandi/GM Banna	00	07	Khudkasht Mohd Iqbal, Bashir Ahmed equal sharer Hisadaran
19.	465	-do-	GM Rasta	00	19	Shar-e-aam
20.	466	Malkiat	GM Ground	00	02	Budhi Singh etc. Hisadaran Maqbooza Education Department
21.	469	Malkiat	Warhal Changi	00	1½	Khudkasht Ram Krishan, Hari Krishan equal sharer Hisadaran
22.	471	Malkiat	Warhal Changi/Banna	05	14	Khudkasht Maan Singh Hisadar
23.	525	Malkiat	Warhal Mandi	0	04	Khudkasht Tara Singh Hisadar
24.	526	Shamlat Deh Hasb-e-rasd Khewat	Warhal Mandi/GM Banna	00	13	Khudkasht Balak Ram Hisadar
25.	530	Malkiat	Warhal Changi/GM Banna	00	16	Khudkasht Balak Ram Hisadar
26.	532 min	Shamlat Deh Hasb-e-rasd Khewat	Warhal Mandi/GM Banna	01	01	Khudkasht Sawant Singh Hisadar
27.	532 min	-do-	Warhal Mandi/GM Banna	02	01	Onkar Singh Hisadar
28.	532 min	-do-	Warhal Mandi/GM Banna	00	08	Maqbooza Malkan
29.	532 min	-do-	Warhal Mandi/GM Banna	00	09 ½	Maqbooza Malkan
30.	532 min	-do-	Warhal Mandi/GM Banna	00	02	Maqbooza Jai Singh Hisadar
31.	532 min	-do-	GM Kap	01	07	Maqbooza Hari Krishan, Hisadar
32.	532 min	-do-	GM Kap	01	05	Maqbooza Malkan
33.	532 min	-do-	Warhal Mandi	00	5 ½	Maqbooza Malkan
34.	532 min	-do-	GM Kap	01	05	Maqbooza Hari Krishan Hisadar

35.	535	-do-	Warhal Mandi/ GM Banna	00	17	Khudkasht Tara Singh Hisadar
36.	535/1	-do-	Warhal Mandi	00	10	Khudkasht Jagdev Singh, Pritam Singh, Veer Singh Ss/o Bhem Sen equal sharer thakkar Chib Sakindeh Hisadaran
37.	536	Malkiat	Hail/GM Banna	02	12	Khudkasht Jai Singh Hisadar
38.	538	-do-	Hail	00	03	Khudkasht Chain Singh, Joginder Singh equal sharer Hisadaran
39.	541	-do-	Warhal Mandi/ GM Banna	00	15	Khudkasht Tara Singh Hisadar
40.	542	Shamlat Deh Hasab-e-Rasd Khewat	Warhal Mandi/ GM Banna	01	06	Khudkasht Chain Singh, Joginder Singh equal sharer Hisadaran
41.	547	Malkiat	Warhal Changi/ GM Banna	01	05	Khudkasht Chain Singh, Joginder Singh etc.equal sharer Hisadaran
42.	549	Malkiat	Hail	01	04	Khudkasht Tara Singh Hisadar
43.	550	-do-	Hail/ GM Banna	00	12	Khudkhasht Jagdev Singh, Pritam Singh, Veer Singh equal sharer Hisadaran
44.	557	-do-	Hail/ GM Banna	01	04	Khudkasht Harnam Singh Hisadar
45.	558	-do-	Hail/ GM Banna	00	14	Khudkasht Raghveer Singh Hisadar
46.	559	-do-	Hail/ GM Banna	01	02	Khudkasht Sobha Ram Hisadar
47.	560	-do-	Hail	00	03	Khudkasht Balkrishan Hisadar
48.	569	-do-	Hail/ GM Banna	00	13	Khudkasht Bhadar Singh Hisadar
49.	570	-do-	Hail	00	03	Khudkasht Balkrishan Hisadar
50.	571	-do-	Hail/ GM Banna	01	00	Khudkasht Onkar Singh Hisadar
51.	582	-do-	Hail/GM Banna	02	08	Khudkasht Sawant Singh Hisadar
52.	583	-do-	Hail/GM Banna	00	06	Khudkasht Sawant Singh Hisadar
53.	583/1	-do-	Warhal Changi	00	03	Sawant Singh S/o Kaka Ram thakkar Chib sakindeh
54.	584	-do-	Hail	00	08	Khudkasht Angad Singh nisab Balayat Singh, Teerth Singh, Mst. Geeta Devi nisab Hisadaran
55.	585	-do-	Hail/ GM Kotha/ GM Banna	04	01	-do-
56.	586	Shamlat Deh Hasab-e-Rasd Khewat	GM Raasta	00	12	Shar-e-aam
57.	588	Malkiat	Hail/ GM Banna	01	06	Khudkasht Rajinder Singh Hisadar
58.	590	-do-	Hail/ GM Banna	02	01	Khudkasht Suram Chand Hisadar
59.	591	-do-	Warhal Mandi	00	1 ½	Khudkasht Suram Chand Hisadar
60.	593	-do-	Warhal Changi/ GM Banna	02	12½	Khudkasht Suram Chand Hisadar
61.	594	-do-	Warhal Changi	01	00	Khudkasht Suram Chand Hisadar
62.	597	Shamlat Deh Hasab-e-Rasd Khewat	Warhal Mandi/ GM Banna	01	9½	Khudkasht Amar Nath S/o Mathura through Parbat Singh son
63.	598	Malkiat	Hail	00	02	Khudkasht Prithvi Singh, Onkar Singh, Simeer Singh, Sagar Singh, Mohan Singh, Gansara Singh equal sharer Hisadaran
64.	606	-do-	Hail/ GM Banna	00	07	Khudkasht Kaka Ram Hisadar
65.	619	Shamlat Deh Hasab-e-Rasd Khewat	Warhal Changi/ GM Banna	01	00	Khudkasht Kaka Ram Hisadar
66.	620	-do-	Warhal Changi/ GM Banna	01	17	Khudkasht Sagar Singh Hisadar
67.	621	-do-	Warhal Changi/ GM Banna	00	08	Khudkasht Gansara Singh Hisadar
68.	623	-do-	Warhal Changi/ GM Chasma/ GM Kotha	04	15	Khudkasht Budhi Singh, Balak Ram equal sharer Hisadaran
69.	626	-do-	Abi Arzi Hail	00	02	Khudkasht Sher Singh Hisadar
70.	626/1	-do-	Abi Arzi Hail	00	03	Khudkasht Chunni Lal Hisadar
71.	627	-do-	GM Raasta	00	05	Shar-e-aam
72.	628	-do-	Warhal Mandi/ GM Banna	00	14	Khudkasht Balak Ram Hisadar
73.	631	-do-	Warhal Mandi/ GM Banna	00	08	Khudkasht Harnam Singh Hisadar
74.	632	-do-	Warhal Mandi	00	05	Khudkasht Balkrishan Hisadar
75.	633	-do-	Warhal Changi/ GM Banna	01	15	Kasht Sher Singh S/o Puran Thakkar Chib Sakindeh Kaabaz

76.	634	-do-	Warhal Mandi	00	01	Khudkasht Sobha Ram Hisadar
77.	635	-do-	Warhal Mandi/ GM Banna	03	06	Kasht Onkar Singh, Simeer Singh, Mohan Singh equal sharer Hisadaran
78.	636/1	-do-	Hail/ GM Banna	03	02	Kasht Kaka Ram Hisadar
79.	643	-do-	Warhal Mandi/ GM banna	01	03	Kasht Amar Nath Son of Mathura
				78	1/2	

B). Particulars of Trees:

Trees	
Variety	Number
NFBTs	216
FBTs	316

This notification is made under the provisions of section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), to all whom it, may concern.

A plan of the land may be inspected in the office of the Collector on 5th of March, 2024 at 2.00 PM sharp.

The Government is pleased to authorize, Tehsildar Ramban, other field staff alongwith Indenting Department to enter upon and survey land, takes levels of any land, dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under section 11(4) of the Act, no person shall make any transaction or cause any transaction of land i.e., sale/purchase, etc., or create any encumbrances on such land from the date of publication of such notification without prior approval of the Collector.

Objection to the Acquisition, if any, may be filed by the person interested within 60 (sixty days) from the date of publication of this notification as provided under section 15 of the Act before this Collectorate.

Given under my hand and seal on 15th day of February, 2024 at Ramban.

Sd/-
Harpal Singh (JKAS)
Collector Land Acquisition (ACR)
Ramban