
(2020) 07 J&K CK 0074

In the Jammu And Kashmir High Court

Case No : Other Writ Petition No. 1663 Of 2018

Mohd. Amin And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 10-07-2020

Acts Referred:

Citation : (2020) 07 J&K CK 0074

Hon'ble Judges : Vinod Chatterji Koul, J

Bench : Single Bench

Advocate : Mohd. Nadeem Bhat, S.S. Nanda

Final Decision : Disposed Off

Judgement

Vinod Chatterji Koul, J

1. Learned counsel for the petitioners has claimed in the writ petition that the land measuring 27 kanals 15 marlas comprising under Khasra No.54 min situated at Village Ashmar, Tehsil Mahore, District Ramban before 1971 was under the possession of the grandfather of the petitioners and after his death the land devolved upon the father of the petitioners and in the year 2002 the possession of the land was transferred to the petitioners.

2. It is submitted that during the year 2007 a process was initiated by the petitioners for getting ownership rights in respect of the aforesaid land under the provisions of J&K State Lands (Vesting of Ownership to the Occupants) Act 2001 and in terms of Form No. 2 issued by the Tehsildar Gool, it was confirmed that the land in question was in possession of ancestors of the petitioners before 1971 and vide No. 176/TG/OQ/R/06 dated 09.01.2008 issued by Tehsildar Ramban it was confirmed that the petitioners had applied for the conferment of ownership rights vide application dated 06.01.2008 and the land is free from all encumbrances. It is further stated that the order came to be passed by District Collector Ramban vide No. 676/SQ dated 04.08.2012 the ownership rights in respect of the said land were conferred upon the petitioners and a direction was

issued to the Tehsildar Ramban to attest mutation in favour of the petitioners.

3. It is stated that the Collector Land Acquisition, Gool issued notification for construction of Sangaldhan-Kanthan road and the land measuring 3 kanals of the petitioners was acquired and the compensation to the tune of Rs. 4,25,000/- was assessed, but inordinate delay was caused in the matter of attestation of mutation whereas the petitioners had completed all the formalities and the compensation is wrongly and illegally denied to the petitioners. It is stated that it is the fault of Tehsildar concerned who did not attest the mutation in their favour.

4. During the pendency of the writ petition, this court vide order dated 04.09.2018 had ordered that in case the compensation has been determined and an award passed in regard to the land belonging to the petitioners, then in the absence of any other legal impediment, the case of the petitioners be considered for release of awarded amount.

5. The Collector, Land Acquisition, Gool has passed the order dated 05.10.2018, the relevant portion whereof reads as under:-

"After going through the record and facts of the case, the undersigned has released to the conclusion that the petitioners are entitled to compensation of land measuring 03Kanals in Khasra No:54 min to the tune of Rs. 4,25,000/= in village Ashmar in equal shares as failure on part of Tehsildar to attest the mutation will not take away the right of the petitioners to be declared as owners of the land. As the indenting department has not deposited the balance compensation with the undersigned, as such, the payment to the petitioners cannot be made.

As and when the compensation amount is deposited by the Indenting Department, the undersigned shall disburse the same to the petitioners.

With the aforesaid discussions/directions the case of the petitioners stands disposed off in compliance to the directions issued by Hon'ble High Court J&K at Jammu."

6. Therefore, in view of the order dated 05.10.2018 passed by the Collector, Land Acquisition (SDM), Gool the grievance of the petitioners stands redressed. This writ petition is, accordingly, disposed of with a direction to the Collector, Land Acquisition, Gool to proceed with the disbursement of the compensation amount in accordance with law.