
(2025) 02 J&K CK 0830
In the Jammu And Kashmir High Court
Case No : CM No. 1434 Of 2024

Mohd. Yaqoob

APPELLANT

Vs

UT of Jammu and Kashmir

RESPONDENT

Date of Decision : 28-02-2025

Acts Referred:

Jammu and Kashmir Land Acquisition Act, 1934 — Section 4(1), 6, 11

Citation : (2025) 02 J&K CK 0830

Hon'ble Judges : M A Chowdhary, J

Bench : Single Bench

Advocate : Bari Abdullah, Monika Kohli, Ravinder Gupta

Final Decision : Disposed Of

Judgement

M A Chowdhary, J

1. Through the medium of this petition, the petitioners claiming themselves to be the owners of the land measuring 27 kanals 16 marlas (Local kanals)/18 kanals 01 marlas (Standard kanals) situated in village Gool, District Ramban for the construction of "Road from Mohrmaal to Shan Mohallah Gool" in Tehsil Gool, District Ramban to be constructed by PWD Division, Ramban was acquired, regarding which a draft award is stated to have been passed by the Collector Land Acquisition (SDM), Gool somewhere in the year 2018 and alleged that till now the petitioners have not received compensation for their aforesaid land used for construction of the road by the Public Works Department.

2. It has been asserted that petitioner No. 1's land measuring 2 Kanals 9 Marlas comprising in Khasra No. 178 min of village Gool and the dwelling house thereon came under the alignment of the said road as per notification No. 14570-72 dated 17.02.2016 issued by respondent No. 3 for which the compensation was assessed at Rs. 14,40,207/- for the land and an amount of Rs. 3,76,000/- for the dwelling house; that the land measuring 1 kanal & 18 marlas comprising of khasra No. 167 min and 09½ marlas of Khasra No. 98 min belonging to

petitioner No. 2 was assessed for an amount of Rs. 12,28,145/- & Rs. 10,08,445/- in favour of petitioner No. 2 and that the land measuring 1 kanal & 3 marlas comprising of Khasra No. 174 min of petitioner No. 3-Abdul Aziz was assessed for an amount of Rs. 6,96,169/-; that the land measuring 18 marlas comprising in khasra No. 167 min of petitioner No. 4-Abdul Rashid was assessed for an amount of Rs. 4,65,750/-; that the land measuring 9 marlas comprising in Khasra No. 174 min of petitioner No. 5-Mohd. Irfan was assessed for an amount of Rs. 3,66,459/- and land measuring 1 kanal & 1 marla comprising in khasra No. 167 min of petitioner No. 6-Shanaz Begum was assessed for an amount of Rs. 7,89,186/- as per apportionment statement of compensation notified vide Notification No. 14570-72 dated 17.12.2016.

3. Pursuant to notice, the respondents including Indenting Department were directed to file objections/reply. Despite several opportunities, the respondents did not file the same. In terms of order dated 20.11.2024, this Court had

granted an opportunity to the respondents to file the reply by the next date of hearing, failing which, appropriate order shall be followed. The respondents even then have not filed any reply so far.

4. The petitioners have placed on record the copies of the Notification No. ACR/Gen/15/362-69 dated 04.02.2015 issued by the Collector Land Acquisition (ACR), Ramban in terms of Section 4(1) of the J&K State Land Acquisition Act, 1990 for acquisition of the land for the construction of road from Mahor Mohrmaal to Shan Mohallah, Gool with regard to the land measuring 27 kanal & 16 marlas situated in Gool of the District Ramban. The aforesaid land was notified in terms of Section 6 of the J&K State Land Acquisition Act, 1990 by the Government of the J&K vide Notification No. 351-Rev(LAJ) of 2017 dated 02.08.2017 issued by the Commissioner/Secretary to Government Revenue Department of the J&K Government. The Collector thereafter vide Notification No. 24 of 2017 dated 14.08.2017 issued a Notification under section [9(9-A)] of the J&K State Land Acquisition Act, 1990 asserting all the claimants to file their claims/objections in writing. The Collector lastly issued a draft award for the acquired land under section 11 of the Land Acquisition Act, 1990. It is apparent that the land in question has been acquired and used for the construction of road from Mohrmaal to Shan Mohallah, Gool and the petitioners' land as claimed by them in their petition has been used for the construction of this road project.

5. The petitioners' case is that despite acquiring their land for the construction of the road and passing of the draft award, they are still awaiting the disbursement of the compensation as assessed for their lands/properties acquired. Since the ownership land is constitutional right from which the land owners cannot be divested without following due course of law including the payment of compensation, in this situation of the matter, this Court concedes that the respondents have not acted in the manner required to proceed in the matter to disburse the compensation amongst the land owners/petitioners. Though, their land was proposed to be acquired in the year 2015 and for over a

decade, the petitioners have not been paid compensation of their property.

6. In this backdrop of the matter, the petition is, therefore, disposed of with the direction to the respondent-Collector (SDM Gool) to finalize the acquisition proceedings, expeditiously, preferably within one month from the date a copy of this order is served upon him/her by the petitioners and also make payments of the compensation, to the petitioners to which they are found entitled to.

7. Writ petition is, thus, disposed of, accordingly, along with connected interim application(s).