

(2018) 09 J&K CK 0069
In the Jammu And Kashmir High Court
Case No : Other Writ Petition No. 266 Of 2018

Sanit Singh And Ors @APPELLANT@Hash Union Of India And Ors

Date of Decision : 27-09-2018

Acts Referred:

Citation : (2018) 09 J&K CK 0069

Hon'ble Judges : Sanjay Kumar Gupta, J

Bench : Single Bench

Advocate : Amit Gupta

Final Decision : Disposed Off

Judgement

1. Despite directions objections have not been filed.
2. Going by the nature of relief sought for, and after hearing heard learned counsel for the parties, petition is taken up for final disposal.
3. Through the instant writ petition, petitioners seek the following relief:-

"Mandamus commanding upon the respondents to initiate the acquisition proceedings and further assess and release the compensation amount to the petitioners expeditiously for acquisition of their land as per market value alongwith an interest from the date of acquisition of their land measuring 21 kanals 17marlas comprising Khasra No. 17 min & 18, duly situated at Village Chak Manga Rakwal, Tehsil & District Samba and further direct them to vacate the land in case they are unable to pay the petitioners the compensation amount for acquisition of their land."

4. The petitioners claim to be the joint owners of the land measuring 21 kanals 17marlas comprising Khasra No. 17 min & 18, duly situated at Village Chak Manga Rakwal, Tehsil & District Samba. It is stated that the said land has been acquired by the respondents since long without giving any compensation as per the provisions of the State Land Acquisition Act Svt. 1990 (1934 AD) and Rules framed there under. It is further stated that the above said land was re-questioned for Army w.e.f 01.04.1984 by virtue of requisition order dated

09.05.1988 issued by Deputy Commissioner, Jammu. It is stated that during requisition/acquisition no compensation was paid to Tribat Singh, father of the petitioners, however, rent for acquisition/requisition of the land was paid.

5. Learned counsel for the petitioners states that the Army has constructed permanent structures over the land owned by the petitioners in the shape of family quarters, tube well as well as other structure for the use of the Army. It is stated that keeping in view the permanent requirement of the aforesaid land local military authority has initiated the case for proper acquisition of the aforesaid land in the year 1996, but till date the procedure has not been accomplished and the petitioners have not been given the compensation. It is further stated that for issuance of NOC to the acquisition of land was taken up by the defence estate office Jammu circle with the State Government of J&K and the NOC was also issued by the J&K Government Home Department vide its communication dated 16.12.2011. It is stated that after issuance of NOC the Defence Estate Office Jammu Circle had submitted the case to the higher authorities for obtaining sanction of Ministry of defence to the acquisition of land vide case No. 8609 and till date no decision has been taken by the respondents.

6. During the course of the arguments, learned counsel for the petitioners submitted that the petitioners have already given a legal notice dated 13.05.2017 to the respondents for issuance of sanction for acquisition of land, but till date nothing has been done. It is further stated that the petitioners would feel satisfied, if the respondents are directed to accord consideration to the said legal notice and take a decision within some stipulated time. Submission made is considered. There is no legal impediment in granting such relief.

7. Mr. Eishaan Dadhichi, learned CGSC appearing for the respondents states that he has no objections, in case, submission of learned counsel for the petitioners is allowed.

8. In view of the aforesaid submissions made by the learned counsel for the petitioners and in the facts of the case, I deem it appropriate to dispose of the instant writ petition with a direction to the respondents to accord consideration to the legal notice of the petitioners dated 13.05.2017, copy whereof is annexure 'A' to the petition and take a decision expeditiously, preferably within a period of six weeks from the date of receipt of a certified copy of this order.

9. With the aforementioned observation, the writ petition is disposed of along with connected MP(s).