

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CCP(D) No.23/2023

Devindera Nath Giri, Age 76 yrs,
President Shri Chanderswar Vidya Peeth Trust
(Regd.) Chela Swami Niranjana Nand Giri
R/o Rajouri

....Petitioner

Through :- Mr. Aditya Gupta and
Mr. Munesh Sharma, Advocates.

V/s

1. Vijay Kumar Bidhuri
Commissioner Secretary
Revenue Department, UT of J&K.
2. Mr. Vikan Kundal Deputy
Commissioner, Rajouri.
3. Mr. Sachin Dev Singh
Collector Land Acquisition
Additional Deputy Commissioner
Rajouri.
4. Mr. Niraj Verma
Commissioner Secretary to Govt.
Home Department, Jammu, J&K.
5. Mr. Dilbagh Singh
Director General of Police, Jammu.
6. Mr. Amrit Paul Singh
Senior Superintendent of Police,
Rajouri.

....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG.

**CORAM: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER
20.12.2023

1. This contempt petition has been filed by the petitioner for non compliance of order/judgment dated 05.04.2022 passed in OWP No.1801/2014 whereby the respondents were directed to make payment of the entire balance

amount of compensation with statutory interest as per Section 35 of the Land Acquisition Act, 1990 in accordance with award dated 29.10.2008. A further direction has been given in terms of order/judgment dated 05.04.2022 that as the Police Department has failed in providing the necessary funds for the payment of compensation to the petitioner for the last fourteen years, an amount of ₹14.00 lacs is imposed as damages upon the Police Department in addition to above compensation and interest for the loss caused due to the delay.

2. Ms. Monika Kohli, learned Sr. AAG submits that she has filed compliance report before the Registry on 15.12.2023 in terms of order dated 01.12.2023, however, the same is not on record. She has produced a copy of the same, which is taken on record.

3. It is contended in the compliance report that the petitioner has provided the bank account number and accordingly, the compensation amount so received from the indenting department has been sent vide Bill No.2100RAJREV00131023WSC0294 dated 07.10.2023 to the District Treasury Officer, Rajouri for its drawl in favour of the petitioner which is still pending for which District Treasury Rajouri vide No.AC/LA/360-61 dated 02.12.2023 was directed to draw compensation amount in favour of the beneficiaries and in reply to this, District Treasury Officer, Rajouri vide No. DTR/2023-24/546-547 dated 04.12.2023 requested Director Accounts and Treasuries Jammu for drawl of compensation Bill which stands booked in liability in land compensation dated 10.10.2023. It is further contended that the Bill for the payment of compensation is pending before District Treasury Officer Rajouri for want of MT from the Director Accounts and Treasuries, Jammu and the said amount will be credited in the bank account of the petitioner as soon as the MT is released.

4. In view of the compliance report filed by the Collector Land Acquisition, Rajouri, we deem it appropriate to close this contempt and direct Director Accounts and Treasuries, Jammu to issue MT to the District Treasury Officer, Rajouri within a period of one week from today and the District Treasury Officer, Rajouri shall remit the entire compensation along with interest in the account numbers of the petitioner within three days thereafter. In the event, the Director Accounts and Treasuries, Jammu as well as the District Treasury Officer, Rajouri fail to comply with the direction as given above, the petitioner shall be at liberty to revive this contempt petition.

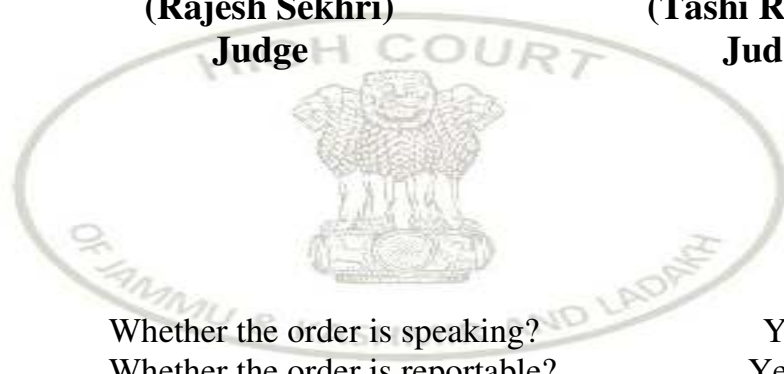
5. The contempt petition is, disposed of, and the proceedings initiated against the respondents are dropped.

6. A copy of this order be provided to Ms. Monika Kohli, learned Sr. AAG under the seal and signatures of Bench Secretary today itself.

Jammu:
20.12.2023
Surinder

(Rajesh Sekhri)
Judge

(Tashi Rabstan)
Judge



Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No