

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

Case:- WP(C) No. 3238/2023

1. **Naseeb Singh, 49 years** Appellant(s)/Petitioner(s)
S/o Late Sh. Roop Chand,
R/o Village Latori,
Tehsil Katra & District Reasi.
2. **Suram Singh, 45 years**
S/o Late Sh. Roop Chand,
R/o Village Latori,
Tehsil Katra & District Reasi.
3. **Thoru Ram, Age 54 years,**
S/o Late Sh. Roop Chand,
R/o Village Latori,
Tehsil Katra & District Reasi.
4. **Kewal Singh, 61 years**
S/o Dharm Singh
R/o Village Latori
Tehsil Katra & District Reasi.

Through: Mr. Ankur Sharma, Advocate.

Vs

1. **Union of India**
Through Its Principal Secretary
Road, Transport and Highways Department,
Transport Bhawan, 1, Parliament Street New Delhi.
2. **The Collector,**
Land Acquisition
District Reasi.
3. **Deputy Commissioner**
District Reasi.
4. **Tehsildar**
District Reasi.
5. **Karnail Singh; Age 56 years;**
S/o Hukam Singh;
R/o Village Latori;
Tehsil Katra, District Reasi.
6. **Joginder Singh; Age 49 years;**
S/o Late. Munshi Ram;
R/o Village Latori;
Tehsil Katra, District Reasi.

7. **Ranjeet Singh; Age 41 years;
S/o Late. Munshi Ram;
R/o Village Latori;
Tehsil Katra, District Reasi.**
8. **Shanti Devi; Aged 66 years'
W/o Late. Munshi Ram;
R/o Village Latori;
Tehsil Katra, District Reasi.**
9. **Srishta Devi; Age 61 years;
W/o Late Sh. Nek Ram;
R/o Village Latori;
Tehsil Katra, District Reasi.**
10. **Shamsher Singh,
S/o Late Sh. Nek Ram;
R/o Village Latori;
Tehsil Katra, District Reasi.**
11. **Vijay Singh,
S/o Late Sh. Nek Ram,
R/o Village Latori;
Tehsil Katra, District Reasi.**
12. **Raghubir Singh
S/o Late Sh. Nek Ram,
R/o Village Latori;
Tehsil Katra, District Reasi.**
13. **Manju Devi,
W/o Late Sh. Rattan Singh
R/o Village Latori;
Tehsil Katra, District Reasi.**
14. **Surinder Singh
W/o Late Sh. Rattan Singh
R/o Village Latori;
Tehsil Katra, District Reasi.**

..... Respondent(s)

Through: Ms. Nazia Fazal, Assisting counsel vice
Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(28.12.2023)

- 01.** The petitioners are seeking to maintain this petition aggrieved of the fact that the Deputy Commissioner, Reasi vide its Order no. DC/Rsi/ARA/23-24/27 dated 20.05.2023 has rejected the application filed by the petitioners for release of compensation as being devoid of merits.
- 02.** The purported claim of the petitioners for the entitlement to receive compensation is relatable to the acquisition of the land bearing khasra nos. 525 & 526 in village Latori district Reasi acquired for the alignment of the Expressway.
- 03.** The acquisition in this case has taken place under the National Highways Act, 1956. Section 3H of the National Highways Act, 1956 provides for a dispute referable to the principal civil court of original jurisdiction in the district in which the land is situated and that reference takes place at the instance of the aggrieved persons approaching the competent authority that being the Deputy Commissioner concerned.
- 04.** Accordingly, learned counsel for the petitioners is *allowed* to withdraw this petition and approach the Deputy Commissioner, Reasi as being the competent authority under section 3H of the National Highways Act, 1956 to seek reference of the dispute under section 3H of the said Act.

- 05.** It is made clear that any time spent in pursuing the litigation before this Court in the first round which resulted in the issuance of direction in WP(C) no. 1486 of 2022 shall not come in the way of any limitation setup against the petitioners for seeking the reference of the matter.
- 06.** The present writ petition is, accordingly, ***dismissed***.

(RAHUL BHARTI)
JUDGE

JAMMU
28.12.2023

Bunty

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No

