

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1026/2023 c/w
WP(C) 1376/2022

MANZOOR AHMAD MAGREY ...Appellant(s)/Petitioner(s)

Through: Mr. Rizwam Un Zaman, Advocate

Vs.

UNION OF INDIA AND ORS

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG
Mr. T. M. Shamsi, DSGI with Mr. Faizan, CGC
Mr. Syed Sajad Geelani, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
21.12.2024

1. Petitioner, *Manzoor Ahmad Magrey*, has filed WP(C) no.1026/2023, averring therein that he is owner in possession of land measuring 08 Kanals 06 Marlas falling under Survey no.396 situate at village Furrh Tehsil and District Anantnag. Out of the said land 02 Kanals 01 Marlas has come under acquisition proceedings for National Highway connecting NH-244 to NH44 and in this regard notification has also been issued. Final award dated 25th August 2021 is stated to have been issued, in which aforesaid 02 Kanals 01 Marlas of land is also mentioned along with the name of petitioner. He has made an application for release of compensation. It is claimed by petitioner that despite his land acquired, compensation determined and award passed in his favour, compensation is not being paid to him, forcing him to

approach this Court and seek a direction upon respondents to pay adequate compensation to him as per market value along with interest.

2. In another petition, bearing WP(C) no.1376/2022, petitioners, *Shabir Ahmad Ittoo and others*, challenge the order passed by Additional Deputy Commissioner (with powers of Agrarian Reforms Commissioner) Anantnag, whereby their application seeking impleadment of legal heirs of deceased-respondent has been rejected. The said application was filed by them in their appeal, wherein mutation attested in favour of Manzoor Ahmad Magrey is under challenge. The said proceedings are also in respect of land acquired and in respect of which petitioner, Manzoor Ahmad Magrey, is seeking release of compensation awarded.
3. Mr. Rizwan, appearing counsel for the petitioner, Manzoor Ahmad Magrey, in WP(C) no.1026/2023, submits that the appeal has been filed challenging the mutation attested in favour of Manzoor Ahmad Magrey, after a period of more than 40 years. Therefore, he submits that the appeal is time barred and, as such, not maintainable.
4. Mr. Rizwan, learned counsel for petitioner in WP(C)1026/2023, went further to hammer and tongs to submit that writ petition filed by *Shabir Ahmad Ittoo and others* is not maintainable because the authority has rightly rejected their application seeking impleadment, even otherwise those who are sought to be impleaded are not necessary parties to the proceedings as they have no concern with subject matter of writ petition.
5. There is no denial to the fact that the award has been passed by Collector concerned in favour of petitioner. However, since writ

petitioners in WP(C) no.1376/2022, have filed appeal before the Additional Deputy Commissioner with powers of Agrarian Reforms Commissioner, Anantnag, it would be appropriate to say that only 50% of the award amount is released in favour of the petitioner provided he furnishes an undertaking before the Registry of this Court as also before the forum, where the appeal has been preferred by the writ petitioners in WP(C) No.1376/2022 that in the event writ petitioners in WP(C) No.1376/2022, succeed he will reimburse the said amount.

6. The parties are at liberty to agitate the matter before the authority before whom the condonation of delay application/appeal is pending.
7. Since the application/appeal is pending before the authority from the year 2019, therefore, it is expected that the authority concerned decides the application for condonation of delay/ appeal expeditiously within a period of four months.
8. **Disposed of** as above along with all connected.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
21.12.2024
“Imtiyaz”