

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

WP(C) No. 1244/2025

CM No. 2970/2025

Mohd. Bashir & Ors.

.....Petitioner(s)

Through: Mr. Intikhab Hussain Shah, Advocate

Vs

Union Territory of J&K & Ors.

.... Respondent(s)

Through: Ms. Pallavi Sharma, Assisting Counsel to
Mr. Ravinder Gupta, AAG

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
21.05.2025

1. Heard.
2. Through the medium of instant petition filed under Article 226 of the Constitution of India, the petitioners have sought issuance of direction/writ in the nature of mandamus for commanding the respondents to disburse the compensation amount, due to them under the Final Award dated 21.09.2021 passed by the respondent No.3 upon finalization of the acquisition proceedings in respect of the land measuring 35 Kanals 2 Marlas, falling under different survey numbers situated at village Majhoor, Tehsil Thanamandi, District Rajouri, belonging to them, along with interest @ 9% per annum from the date of Final Award till the actual payment.
3. The case of the petitioners in nutshell is that their land measuring in total 35 Kanals 2 Marlas falling under different survey numbers, situated in Village Majhoor, Tehsil Thanamandi, District Rajouri, came to be acquired by the respondents for *construction of road from Shahdra Sharief to*

Sora. That the respondent No.3 initiated the acquisition process with the issuance of notification under Section 4(1) of the Jammu and Kashmir Land Acquisition Act, (Svt) 1990 (hereinafter referred to as '*the Act*' for *short*) on 28.06.2018 and finalized the process with the passing of the Final Award on 21.09.2021. That despite passing of the Final Award on 21.09.2021, the compensation amount has not been released in favour of the petitioners/land owners in utter violation of the provisions of the Act. That they are badly suffering on account of the non-payment of the compensation amount in lieu of their valuable property, which was taken away from them under a compulsory process. That the omission on the part of the respondents tantamounts to the violation of the right of the petitioners guaranteed under Article 300-A of the Constitution. That the petitioners are entitled to the compensation amount with interest as provided under Section 35 of the Act.

4. Heard learned counsel for the petitioners who reiterated his stand taken in the petition. The learned counsel very vehemently contended that the respondents have failed to release the compensation amount in favour of the petitioners/land owners despite taking of the possession of the acquired land and passing of the Award way back on 21.09.2021, thereby observing the provisions of the Act in breach. He contended that the petitioners' constitutional right has been violated by the respondents in delaying the release of the compensation amount which had added to their difficulties as their livelihood was dependent on the agricultural activities. That the petitioners could not resist the acquisition process in view of the compulsory nature of the same. He further contended that the petitioners are entitled to compensation along with interest as admissible under

Section 35 of the Act which is 6% with effect from the date of taking possession upto the expiry of one year and 10% from the date of expiry of one year till the actual payment.

5. The learned counsel in support of his arguments placed reliance on the judgments cited as “*Paras Ram & Ors vs Collector Land Acquisition & Anr*”, 2024 SCC Online J&K 246 and “*Jagdish Kumar vs State of J&K*”, OWP No. 399/2010 decided on 03.05.2024.
6. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of at this threshold stage by passing appropriate orders, the direction under which is otherwise to be complied with by the respondents out of a statutory obligation.
7. The learned Assisting Counsel appearing for the respondents submitted that she has no objection in disposing of the case at this stage in accordance with the law governing the field.
8. In the aforesaid backdrop, the instant petition is, **disposed of** at this threshold stage with the direction to the respondents to ensure the release of the compensation amount in favour of the petitioners, strictly in accordance with the Award dated 21.09.2021 of respondent No.3 and the apportionment statement, within a period of eight weeks along with interest admissible under Section 35 of the Land Acquisition Act.
9. Copy of this order shall be forwarded for compliance to the respondents.

(Mohd. Yousuf Wani)
Judge

Jammu
21.05.2025
Vijay

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No