

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case No.: LPA No. 148/2023

Balkar Singh and others

..... Petitioner(s)/Appellant (s)

Through :- Mr. Jatinder Choudhary, Advocate
Mr. Harmit Kumar Mehta, Advocate

v/s

UT of J&K and others

.....Respondent(s)

Through :- Ms. Monika Kohli, Sr.AAG
Mr. Vishal Sharma, DSGI

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
06.08.2025

(ORAL)

1. Learned counsel for the appellants submits that the predecessor-in-interest of the appellants had migrated to the erstwhile state of J&K from Pakistan Occupied Jammu & Kashmir (POJK) during partition in 1947. And was allotted evacuee land and State land with respect to which occupancy rights were conferred upon him under Section 3-A of the Agrarian Reforms Act of 1976.

2. He submits that vide notification dated February 15, 2014 issued under Section 4 of the J&K Land Acquisition Act, 1990 a land measuring 38 kanals 2 marlas including the land holding of the appellants (12 kanals 6 marlas) was sought to be acquired for construction of composite Bundh of border fencing (135 feet wide strip) at Village Kotla Manhasan. A final declaration under Section 6 followed on February 28, 2015. The acquired land was assessed by the Collector @ ₹ 85,000/- per kanal, who rendered the award on December 22, 2015.

3. It is submitted that the appellants assailed the acquisition proceedings for the authorities had apparently erred in not complying with the provisions of Section 4 of the Land Acquisition Act, 1990. For neither any public notice, in terms of Section 4(1-A) was affixed at any convenient place in the locality, nor was it caused to be known by beat of drum and even through the local Panchayats and Patwaris. So much so, the subject notification was published in the two daily newspapers which were not even in active circulation in the area. Thus, the acquisition proceedings were liable to be set aside. Further, the respondents be commanded to complete the acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act of 2013. However, it is urged that the learned Single Judge vide impugned Order and Judgement dated June 12, 2023, dismissed the petition merely on the ground of delay and laches.

4. He asserts that once the appellants had duly demonstrated that the acquisition proceedings suffered from incurable defects as the provisions of Section 4 of the 1990 Act were not concededly complied with. The writ Court ought not to have dismissed the petition on the ground of delay and laches.

5. However, yesterday when the matter came up for consideration before the Court, learned counsel for the appellants had prayed that the proceedings be deferred for today to enable him to seek instructions in case the appellants are ready and willing to accept the compensation that has already been assessed by the Collector. Accordingly we are informed that let the appeal be disposed of with the direction to the respondent-authorities to disburse the requisite compensation to the appellants along with the interest, solatium and other statutory benefits the appellants are entitled under the 1990 Act.

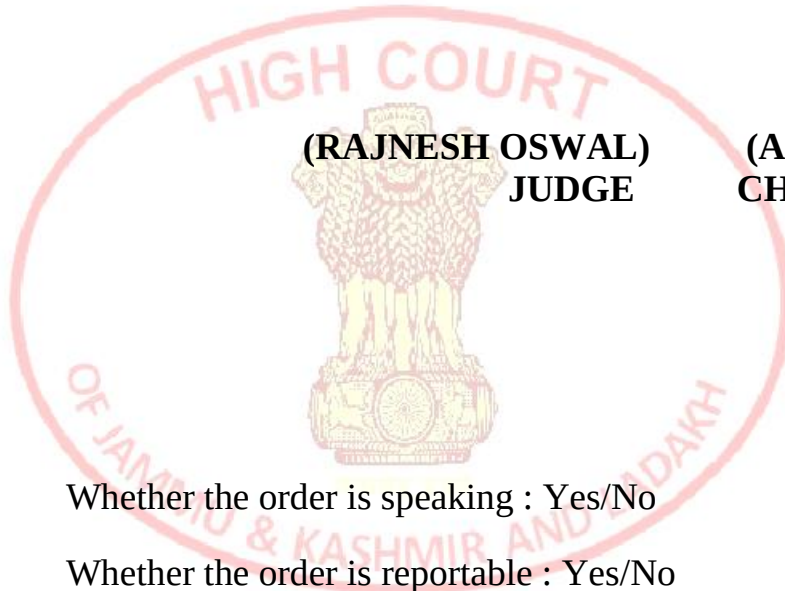
6. To this, Ms. Monika Kohli, learned Sr.AAG submits that the appellants, as per their land holding are entitled to ₹ 12,02,325/- as compensation inclusive of solatium. She submits that the said amount would be credited in the bank account of the claimants/land owners within a day, provided their bank account details are shared with her at the earliest. As regards the other statutory benefits and interest the claimants/appellants are entitled to till the date of payment shall be calculated and disbursed at the earliest.

7. In the wake of the position sketched out and in terms of the statements/consensus that has been reached between the parties, the appeal is, accordingly, disposed of.

JAMMU

06.08.2025

Pawan Angotra



Whether the order is speaking : Yes/No

Whether the order is reportable : Yes/No