

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

OWP No. 1147/2018

Ashwani Kumar & Ors.

.....Petitioner(s)

Through: Mr. Rahul Aggarwal, Advocate.

Vs

Union of India & Ors.

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadhichi, GA
Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
08.10.2025

1. The petitioners, through the medium of present petition, have sought the following reliefs:

“1. **Mandamus**- directing the respondents to pay the rental compensation to the petitioners for the period of 2010-2018 at the market rate with respect to the suit property in terms of Requisition and Acquisition Act with the interest.

2. **Mandamus**- commanding the respondents to pay the petitioners compensation with respect to the land acquired by the respondents at the rate assessed by the revenue agencies i.e. Rs. 4 lacs per kanal or in the alternative in terms of rate fixed vide Order No. Div Com (J) 01 of 2010 dated 24.12.2010.

3. **Mandamus**- commanding the respondents to pay the arrears of compensation be paid to the petitioners with interest at the rate of 18% per annum with effect from 2018 till its realization.”

2. It appears that the land of the petitioners situated at village Daskal, Tehsil Akhnoor, District Jammu was requisitioned by the respondents and after its requisition vide SRO 79 of 2010 dated 26.02.2010 notification in terms of Form 'J' of the Jammu & Kashmir Requisitioning and Acquisition of Immovable Property Act, 1968 (hereinafter "Act of 1968") was issued for acquisition of the aforesaid land. It also appears that the petitioners have been paid rental compensation upto the year 2010.

3. Through the medium of the present writ petition, the petitioners are seeking payment of rental compensation between the years 2010-2018 as according to them, the land compensation was actually paid to them in the year 2018, as such, they are entitled to rental compensation upto the date of disbursement of compensation of the land in question in their favour.

4. I am afraid that the petitioners cannot claim rental compensation in respect of the requisitioned land from the date, it has vested with the State. It is a settled law that pursuant to the issuance of Form 'J' in terms of Section 7 of the Act of 1968, the requisitioned land stands vested with the State. Therefore, from the said date, the land owners/petitioners are not entitled to any rental compensation. They are only entitled to compensation and if there is a delay in payment of compensation, they can claim statutory interest and nothing more than that unless it is enhanced in accordance with law.

5. For the foregoing reasons, the prayer with regard to release of the rental compensation for the period of 2010 to 2018 is not admissible in law.

6. The petitioners have also sought compensation at enhanced rates in respect of the acquired land. In this regard, the petitioners have submitted that they have received the amount of compensation under protest whereafter they have moved an application under Section 8 of the Act of 1968 before the Deputy Commissioner seeking appointment of the Arbitrator but the Arbitrator has not been appointed by the Government as so far.

7. In view of the above sequence of events, while declining the prayer of the petitioners for payment of rental compensation from 2010 to 2018, a direction is issued to respondent No. 5 to process the application of the petitioners for appointment of Arbitrator in terms of Section 8 of the Act of 1968 in accordance with law and take a decision thereon within a period of three months from the date a certified copy of this order is made available to the respondents by the petitioners.

8. Disposed of, accordingly.

(SANJAY DHAR)
JUDGE

JAMMU
08.10.2025
Shivalee

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