

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

WP(C) No. 2690/2025

Sajdoo Begum & Ors.

.....Petitioners

Through: Mr. Arshad Hussain, Advocate

Vs

UT of J&K & Anr.

.....Respondents

Through:

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
ORDER
(26.09.2025)

- 01.** The petitioners, through the medium of the present petition, are challenging award No. CLA/SDM/M/2025-26/177-92 dated 23.05.2025 passed by the respondent No. 2-Collector Land Acquisition, Mahore (Sub-Divisional Magistrate, Mahore), to the extent that it denies compensation to the petitioners while granting compensation to other co-sharers.
- 02.** Issue notice to the respondents. Ms. Chetna Manhas, learned Assisting Counsel to Mrs. Monika Kohli, Sr. AAG accepts notice on behalf of the respondents.
- 03.** The grievance of the petitioners is that their land measuring 12 kanals and 12 marlas under Khasra Nos. 426/362/219 situated at village Jamaslan, Tehsil Mahore, District Reasi, has been acquired for construction of the Budhal-Mahore-Gool-BMG road but

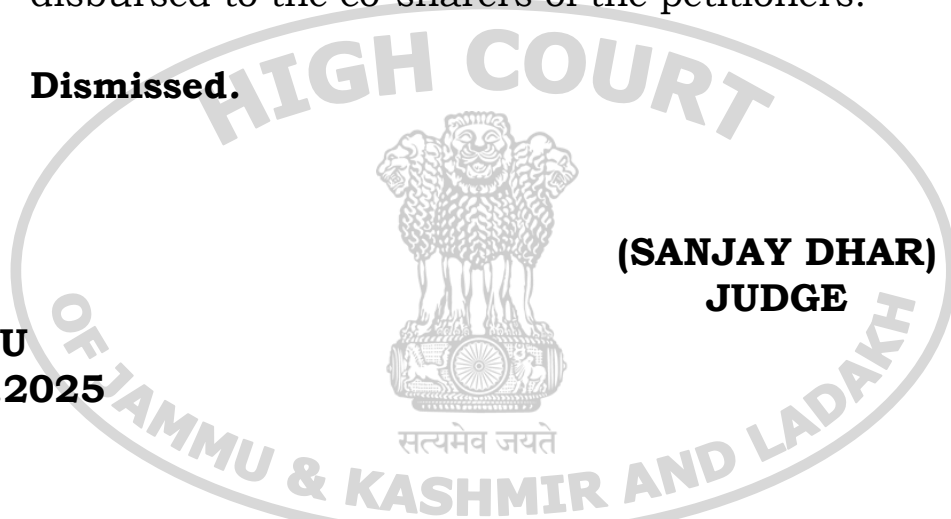
while issuing impugned award, respondent No. 2 has not mentioned the names of the petitioners in the apportionment list annexed to the impugned award.

- 04.** According to the petitioners they had approached respondent No. 2 seeking release of compensation in their favour but the same has not been released. Again another application came to be submitted by the petitioners before respondent No. 2 on 20.07.2025 but without any success.
- 05.** In terms of provisions contained in Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short, 'the Act of 2013') the dispute as to apportionment has to be determined by the authority constituted under Section 51 of the said Act upon reference made by the Collector. The petitioners have not approached the Collector for seeking reference of the dispute raised by them as to the apportionment of the compensation and their entitlement to the same but they have rushed to this Court by invoking its extraordinary writ jurisdiction to challenge the award itself.
- 06.** The petitioners have the alternative remedy of approaching the Collector in terms of Sections 64/76 of the Act of 2013 for seeking reference of the dispute raised by them. The instant writ petition is, therefore, not maintainable as the petitioners have not exhausted the alternative remedy available to them under the provisions of the Act of 2013.

07. The petition is, therefore, ***dismissed*** as being not maintainable giving liberty to the petitioners to make an application for reference under Section 64/76 of the Act of 2013 before respondent No. 2. If such an application is made by the petitioners within a period of one week from today, the same shall be considered by the said authority in accordance with law and a decision thereon shall be taken within a period of 15 days from the date of making of such application. Till the application is finally decided by the Collector, the compensation deposited with Collector in respect of the aforesaid award shall not be disbursed to the co-sharers of the petitioners.

08. Dismissed.

JAMMU
26.09.2025
SUNIL



(SANJAY DHAR)
JUDGE

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