

Serial No.4
Regular cause list

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

OWP No. 1601/2015

Muzaffar Ahmad Tak and another.

..... Appellant/petitioner(s)

Through: -
Mr.Nisar Ahmad, Advocate

V/s

State of J&K and Ors.

..... Respondent(s)

Through: -
Mr. Alla-ud-Din Ganie, AAG with Ms. Shaila Shameen

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

(ORDER)
25.02.2025

- Through the medium of the instant writ petition filed in terms of the provisions of Article 226 of the Constitution of India, the petitioners have sought the issuance of directions/writs *inter alia* in the nature of mandamus for commanding upon the respondents to pay compensation to them in respect of their land measuring 7 marlas and 3 sirsai falling under Survey No. 2063 Kasba Baghat Tehsil and District Anantnag which came under the widening of the road from Achbal Adda to Forest Junction Road, Kasba Baghat, Anantnag in 1975.
- The respondents 1 to 4 have already filed status report dated 25.11.2024 in which they have, *inter alia*, admitted that Survey No. 2063 min measuring 7 Marlas (6 Marlas Banjari Kadim and 1 Marla Gair Mumkin Kol) has come under the widening of the aforesaid road and accordingly the process for acquisition of the same came to be initiated along with the other land coming under the project. It is also admitted by the said respondents that the petitioners were called for private negotiations and an amount of Rs. 1,67,950/- per-marla was offered to them as per the market rate of the year

2024. However, they did not accept the offer and after prolonged discussion the competent committee once again agreed to process their case for payment of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the rules framed thereunder. It is further stated in the status report that Chief Engineer PWD (R&B) South Kashmir was requested to authenticate/attest the revenue papers in token of acceptance and deposit the tentative amount of compensation vide communication dated 12.11.2024 so as to enable the Office of the Collector (respondent No. 3) to proceed ahead in the matter for issuance of notification under Section 11 in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the rules thereunder. It is submitted that the intending department has not so far responded to the communication dated 12.11.2024 of the respondent No. 3.

3. It is needful to mention that this Court as per previous order dated 11.02.2025 required the petitioners to submit any proof that they are the owners of the land in question in connection whereof they furnished for perusal of the Court xerox copies of the revenue record which establishes their title vis-à-vis the said khasra No. 2063. The query which was raised by this Court as per previous order was not needed because the respondents as hereinbefore mentioned in their status report dated 25.11.2024 admitted that the petitioners case has been processed for compensation in terms of the Act of 2013 and the rules framed thereunder, which can only be done upon the satisfaction of the Collector concerned regarding the title verification.
4. In the facts and circumstances of the case, this Court is of the opinion that matter can be disposed of even at this stage by passing of appropriate

directions which otherwise have to be undertaken by the respondents as per the law.

5. Accordingly the instant petition is disposed of with the direction to the respondents to expedite the case of the petitioners for payment of compensation to them in respect of the acquisition of their aforesaid patch of land in terms of the provisions of the Act of 2013 and the rules and regulations framed thereunder.
6. It is needful to mention that the respondent No. 3 Collector, Land Acquisition concerned is supposed to process and culminate the compensation case under the Act and the rules in favour of the entitled persons as per the record. The Xerox copies of the revenue record furnished for perusal of this Court reveals the subject Khasra No. 2063 recorded in the possession column in the name of Abdul Majid Tak S/O. Ghulam Rasool half and in the name of Mst. Habla Begum W/O. Abdul Majid Tak half as per Court decree. The Collector is supposed to verify as to whether Mst. Habla Begum is surviving or not. The present petitioners are the sons of the Abdul Majid and the Habla Begum.
7. The Estate of the deceased Abdul Majid Tak as per the perusal of the xerox record reveals to have been devolved upon the present petitioners as per mutation order. The respondent No. 3 Collector land acquisition concerned Anantnag shall make an endeavour to culminate the formal acquisition process within a period of six weeks by disbursement of the compensation under law to the entitled persons.

8. Disposed of.

(MOHD YOUSUF WANI)
JUDGE