

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

WP (C) No. 19/2026

Date of pronouncement: 15.01.2026

Date of uploading: 19.01.2026

**Sunil Singh, age 51 years,
S/o Late Naib Chand,
R/o Village Pochhal
Tehsil & District Kishtwar**

.....Applicant(s)/Petitioner(s)

Through :- Mr. Asheesh Singh Kotwal, Advocate

v/s

- 1. Union Territory of Jammu and Kashmir through
Commissioner/Secretary, Department of
Revenue, Civil Secretariat, Jammu**
- 2. Deputy Commissioner, Kishtwar**
- 3. Collector land Acquisition, Assistant
Commissioner Revenue, Kishtwar.**
- 4. Tehsildar, Kishtwar**

.....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG

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

ORDER (ORAL)

- Ms. Monika Kohli, learned Senior Additional Advocate General, submits that the award has already been drawn and that the compensation is yet to be disbursed in accordance with the said award, though there exists a dispute with regard to the actual physical possession. She further submits that the matter can be disposed of by directing the respondents to consider the case of the petitioner for release of the compensation. Learned counsel for the petitioner submits that in terms of the final award dated 23.12.2021, land measuring 16 Kanals 19 Marla's, situated at Village Pochhal, Tehsil and District Kishtwar, has been acquired for widening of the Kishtwar– Sinthan Road (from Km 0.00 to Km 83.00) under the PM Package. It is further submitted that the acquired land falling under Khasra No. 2772/583

(min), situated at Village Pochhal, Tehsil Kishtwar, is recorded as “Shamilat Deh MakboozaMalkaan,” in which the petitioner was holding possession of 21 Kanals 19 Marla’s, out of which 05 Kanals 19 Marla’s has come under the alignment of the Kishtwar–Sinthan Road, and that the petitioner has rights over the said Shamilat land. The Tehsildar, Kishtwar, in his report dated 05.03.2022, has agreed with the report of the field staff and has stated that the compensation of the said land is payable to the petitioner as per the field book available on record.

2. It is further submitted by learned counsel for the respondents that the then Deputy Commissioner, Kishtwar, had already directed the Collector Land Acquisition/Assistant Commissioner Revenue, Kishtwar, to do the needful and take necessary action in the matter after fulfilling all the provisions of the Jammu & Kashmir Land Acquisition Act. Learned counsel for the petitioner submits that even in the award itself, land measuring 05 Kanals 19 Marla’s is shown as “MakboozaMalkaan,” which clearly establishes that the compensation is required to be disbursed in favour of the petitioner; however, the respondents have been sleeping over the matter till date. Learned counsel for the petitioner has further drawn the attention of this Court to an earlier petition bearing WP(C) No. 1654/2022 and has argued that despite the order dated 16.08.2023, the compensation payable to the petitioner has neither been disbursed nor has any decision been taken on the representation submitted by the petitioner for release of the compensation amount.
3. Having regard to the nature of the controversy involved and the fact that the final award has already been drawn, it is incumbent upon the respondents to release the compensation in favour of the interested persons

after verifying their title. In the present case, not only has the claim of the petitioner been verified by the Tehsildar, but it has also been duly stamped by the Deputy Commissioner, Kishtwar. In the aforesaid background, respondent No. 3 is under a corresponding obligation to complete the process of acquisition and disbursement of compensation in favour of the interested persons. The directions passed by this Court on 16.08.2023 have not been complied with by the respondents, as a result whereof the petitioner has been made to run from pillar to post without any tangible outcome.

4. In these circumstances, though this Court could have directed the personal appearance of respondent No. 3 to explain as to why the requisite action has not been taken, yet, having regard to official exigencies and instead of adopting any coercive measures, this petition is disposed of by treating the same as a representation, which shall be considered by respondent No. 3 in accordance with law after verifying the field record and by passing a speaking order with regard to the disbursement of compensation. It is also noted that respondent No. 4 has issued an LB-10 report vide No. 125-26/OQ/General dated 09.04.2022 in favour of the petitioner, recommending the release of compensation in his favour. Once the field record is clear, respondent No. 3 is required to dispose of the representation of the petitioner at the earliest, preferably within a period of three months. The petition is accordingly *disposed* of.

(Sanjay Parihar)
Judge

JAMMU
15.01.2026
Manik

Whether this order is speaking: Yes

Whether this order is reportable: No