

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

Serial No. 24

**WP(C) No. 243/2024 c/w
CCP(S) No. 247/2025**

Ravinder Kumar Sharma

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

Through: Ms. Zoya Bhardwaj, Advocate.

vs

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG for R- 1 & 2.
Mr. Karan Sharma, CGSC vice
Mr. Vishal Sharma, DSGI for R-3.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER(ORAL)

30.07.2026

WP(C) No. 243/2024

1. This petition has been filed by the petitioner for commanding the respondents to release the awarded amount of Rs. 16,71,259/- in lieu of land measuring 1 Kanal comprising survey No. 841 situated at Village Meen Charkan, Tehsil Bari Brahmana, Samba, acquired by respondent No. 3 for the construction of Delhi-Amritsar-Katra Expressway.
2. The petitioner claims to be the owner of land measuring 1 Kanal 8 marlas comprising survey No. 841 situated at Village Meen Charkan, Samba out of which 1 Kanal of land has been acquired by respondent No. 3. As per the public notice alongwith final apportionment statement uploaded on the official website, the public at large/ interested persons were granted seven days time to respond to apportionment statement. The name of the petitioner figured at serial No. 35 and total compensation was assessed as Rs. 61,71,259/- only. The petitioner approached the respondents for release of payment in favour of the petitioner in lieu of land measuring 1 Kanal acquired by respondents but the same was not released which compelled the petitioner to file this writ petition.

3. Respondent Nos. 1 and 2 have filed their response thereby narrating the chronology of the transfer of land from original owner Koki to the petitioner, who purchased the land measuring 1 Kanal 8 marlas comprising survey No. 841 from Faquir Singh through validly executed sale deed, regarding which the mutation no. 880 dated 28.04.2021 was also attested in his favour. Respondent Nos. 1 and 2 in fact are objecting to the claim of the petitioner primarily on the ground that the sale deed was executed in favour of the petitioner in utter disregard of Government Order bearing No. S-432 of 1966 dated 03.06.1966, particularly clause 4, which prohibits the alienation of the property without the permission of the Government.
4. Respondent No. 3- Indenting Department in its response has admitted issuance of award dated 21.12.2022 and it is the stand of respondent No. 3 that the compensation for the acquired land stands already deposited with the Collectorate and it is the responsibility of respondent No. 2 to release the compensation in favour of the petitioner.
5. Heard learned counsel appearing for the parties and perused the material on record.
6. The petitioner admittedly was the owner of the land measuring 1 kanal 8 Marlas comprising survey no. 841 at Village Meen Charkan, Tehsil Bari Brahmana, District Samba out of which 1 kanal of land was acquired by respondent No. 3 for construction of Delhi-Amristar-Katra Expressway regarding which award dated 21.12.2022 stood published by respondent No. 2. The only ground on which the compensation is being denied to the petitioner by respondent Nos. 1 and 2 is on account of provision contained in Clause 4 of Govt. Order S-432, which prohibits the alienation of land without the permission of the Government.
7. The Division Bench of this Court in "*UT of J&K & Ors. V. Ravinder Kanta*" bearing LPA No. 126/2025 decided on 28.04.202, has held that there is no infirmity in judgment in case titled "*Mohd. Akram v. State of J&K & Ors.*" wherein it was observed that Clause 4 has been rendered *otiose* with the efflux of time. Accordingly, this Court is the considered view that once the Clause 4 of Govt. Order S-432 which prohibited the

alienation of the land without the permission of the Government has been declared *otiose*, it is not open for respondent Nos. 1 and 2 to deny the payment of compensation to the petitioner on the ground of such prohibition.

8. At this stage, Ms. Zoya Bhardwaj, learned counsel submits that compensation stands already deposited with the Registry of this Court, the same along with interest accrued thereupon be released in favour of the petitioner.
9. Accordingly, this petition is **disposed of** by directing the Registry to release the amount of compensation deposited by the respondent Nos. 1 and 2 along with interest in favour of the petitioner after the expiry of the appeal period.

CCP(S) No. 247/2025

10. In view of disposal of the writ petition bearing WP(C) No. 243/2024, the proceedings in this contempt petition are **closed**.

(RAJNESH OSWAL)
JUDGE

Jammu
30.07.2026
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