

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

WP(C) No. 841/2024

Shiv Lal and others

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

Through: Mr. Pranav Sharma, Adv. vice
Mr. A. K. Shan, Adv.

vs

U. T. of J&K and others

..... Respondent(s)

Through: Ms. Pallvi Sharma, Adv. vice
Mr. Ravinder Gupta, AAG for Nos. 1 to 4
Ms. Sagira Jaffer, Adv. vice
Ms. Monika Kohli, Sr. AAG for Nos. 5 and 6

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

ORDER
29.07.2026

1. The present petition has been filed by the petitioners for commanding the respondents to pay compensation to the petitioners in terms of award dated 21.07.2022 passed by the Collector/respondent No. 5, whereby the land of the petitioners measuring 01 kanal 10 marlas comprising khasra No. 168 min situated at Village Salana, Tehsil Drabshalla, District Kishtwar was acquired for construction of link road from Drabshalla to Bimalnag.
2. Respondent Nos. 1 to 4 have filed the response, stating therein that the department had constructed the road in question since long and before its execution, the then Executive Engineer had issued the Letter Of Intent vide No. 2314-19 dated 31.08.2019 to the Revenue Department. As on date, the road is being looked after and maintained by the PMGSY Division Kishtwar. The respondents have admitted that the

award was issued on 21.07.2022. It is further admitted by the respondents that the PW(R&B) Department, Division Kishtwar is the executing agency/Indenting Department and the disbursement of compensation is being carried out by the Revenue Department.

3. Respondent Nos. 5 and 6 have also filed the response, stating therein that after receiving the indent, the respondent No. 6, Collector Land Acquisition (Assistant Commissioner Revenue) directed the Tehsildar concerned to prepare the land acquisition papers of land coming under the alignment of link road from Drabshalla to Bimalnaag, Tehsil Drabshalla, District Kishtwar under rules, whereafter the acquisition proceedings were carried out strictly in accordance with the provisions of J&K Land Acquisition Act 1990 and the final award dated 21.07.2022 was passed. As per the award, land of the petitioners measuring 01 kanal 10 marlas falling under khasra No. 168 min of Village Salana, Tehsil Drabshalla, District Kishtwar has come under the alignment of the road in question and compensation of Rs. 6,12,375/- was calculated for the said land. It is further stated that the Collector respondent No. 6 herein vide communication dated 12.05.2022, requested the Executive Engineer, PWD(R&B) Division Kishtwar to deposit the requisite amount of compensation for the land falling under the alignment of the Drabshalla-Bimalnaag Road and as and when the Indenting Department provides the compensation amount in full, as envisaged in the award, the same shall be disbursed to the landowners, including the petitioners, in accordance with the apportionment statement.

4. Heard learned counsel appearing for the parties and perused the record.
5. Admittedly in terms of award dated 21.07.2022, the petitioners have been held entitled to ₹6,12,375/-. Respondent Nos. 5 and 6 in their response, have categorically stated that despite the communication dated 12.05.2022, the requisite amount of the compensation of the land of the petitioners was not placed at the disposal of the Collectorate.
6. Once the award has been passed, the Indenting Department i.e. respondent Nos. 1 to 4 are under statutory obligation to pay the compensation to the petitioners in lieu of their land in terms of the award dated 21.07.2022(supra).
7. For all what has been said, analysed and discussed above, the present petition is allowed. The respondent Nos. 1 to 4 i.e. Department of PWD(R&B), Division Kishtwar are directed to place the amount of ₹6,12,375/- along with interest at the rate of 9% per annum from the date of passing of the award till the amount is actually placed at the disposal of the Collectorate. Let the entire exercise be completed within a period of three months from the date a copy of this order is made available in the office of respondent Nos. 1 to 4 and after the amount is placed at the disposal of the Collectorate, the same shall be released in favour of the petitioners in accordance with the apportionment statement.
8. Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
29.07.2026
Rakesh PS