

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

WP(C) No. 1705/2025

- 1. Bodh Raj** Appellant(s)/Petitioner(s)
2. Geeta Ram
Both sons of late Natho Ram
3. Baldev Raj
4. Ved Parkash
Both Sons of Rattan Chand
All residents of village Jatwal
Tehsil Gagwal District Samba.

Through: Mr. G.S Thakur, Advocate

vs

- 1. Union of India Through Ministry of** Respondent(s)
Road, Transport and Highway
New Delhi
2. Competent Authority
(Deputy Commissioner)
Under National Highway's Act,
1956, Samba
3. National Highway Authority of
India Through its Chairman
G-586 Sector 10 Dwarka New Delhi

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Mr. Sunny Mahajan, Advocate

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(30.01.2026)

1. The petitioners, through the medium of this petition, claiming to be owners of land measuring 20 Kanals 15 Marlas and 02 Sarsai, comprising of Survey Nos. 1, 7 & 9 situate at village Sagal Tehsil Gagwal District Samba which is stated to have been used by the respondent-National Highway Authority of India, for construction of Delhi-Amritsar-Katra Expressway, having been acquired in terms of National Highways Act, 1956 as ordered by the respondent-Deputy Commissioner, Samba, has prayed for following reliefs:-

“1. **Writ of Mandamus** commanding the respondent No. 2 to refer the dispute to the Principal Civil Court of Original Jurisdiction i.e. District Judge, Samba, for the adjudication of the dispute qua the apportionment of the compensation in respect of the land falling under Khasra No. 1, 7 & 9 land measuring 20 Kanals 15 Marlas 02 Sarsai situated at village Sagal Tehsil Gagwal District Samba in terms of Section 3-H (4) of the National Highway Act 1956;

2. **With further writ of prohibition** prohibiting he respondents from releasing the compensation arising out of the acquisition of the land falling under khasra No. 1, 7 & 9 land measuring 20 kanals 15 marlas 02 Sarsai situated at Village Sagal Tehsil Ghagwal District Samba”

2. Learned counsel for respondent Nos. 1 to 3 have filed objections to this petition stating that the land in question has been acquired for the construction of Delhi-Amritsar-Katra Expressway and the Competent Authority i.e. Deputy Commissioner concerned under the National Highways Act, 1956 has determined compensation to the tune of Rs. 4,45,12,099/-. He further submits that the amount has been deposited with the respondent No. 2 who is Competent Authority under National Highways Act, for disbursement to the claimants/land owners.

3. Learned counsel for the petitioners submits that the petitioners had applied to the respondent No. 2-Competent Authority (Deputy Commissioner) Samba on 03.06.2025, that they had inherited the land in question from their predecessors and they have dispute over the acquired land with the persons in whose favour compensation has been assessed wrongly. He alleged that even till the reference as prayed for has not been made.

4. The petitioners have raised the dispute with regard to the entitlement as determined under the award passed by the Competent Authority. Under Section 3-H (4) of the National Highways Act, 1956, the dispute is to be referred to the principal civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

5. In view of the pleadings, facts & circumstances and the submission on behalf of both the sides, the respondent No. 2 who is competent authority under National Highways Act, 1956 is directed to entertain the claims of the petitioners and in case, the dispute is found, the same may be referred to the Principal District Court concerned for decision with regard to entitlement of the parties to receive the compensation.

6. It is further provided that the disbursement of the compensation deposited, with regard to subject land shall be subject to the decision of the Civil Court.

7. Disposed of along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
30.01.2026
Tarun/PS