

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

WP(C) No. 3772/2025

CM No. 8589/2025

Bodh Raj and ors.

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

Through: Mr. Jatinder Choudhary, Advocate

vs

Union of India and ors.

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC
Ms. Sagira Jaffer, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Mr. Sanjay Kakkar, Advocate

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

ORDER
21.07.2026

1. The petitioners have filed this petition for grant of the following reliefs:-

“(i) Writ of mandamus or any other appropriate writ, order, or direction commanding the respondent no. the Deputy Commissioner, Udhampur, or the Special Collector (De-fence), Udhampur, Competent Authority under the RAIP Act, 1952, to prepare a comprehensive Draft Assessment Report in respect of the requisitioned land along with apportionment statement delineating the individual shares of all landowners, as mandatorily required under law, in accordance with the provisions of the RAIP Act, 1952, and in line with the lawful entitlement of the petitioners.

(ii) A Writ of Prohibition, restraining Respondent No. 4, namely the Deputy Commissioner, Udhampur, and/or the Special Collector (Defence), Udhampur, being the Competent Authority under the RAIP Act, 1952, from effecting any payment, disbursement, or transfer of compensation pertaining to the requisitioned land, unless and until a legally complaint Draft Assessment Report along with a duly prepared apportionment statement is drawn up and a copy thereof is furnished to the petitioner. It is further prayed that the respondents be directed to withhold disbursement of compensation for a period of 30 days from the date of such communication so as to enable the petitioner to seek a reference, and in the event a reference is sought, no compensation be disbursed till the said reference is adjudicated and finally decided.”

2. Mr. Vishal Sharma, learned DSGI has submitted that 1/4th compensation has already been deposited with the competent authority.
3. Mr. Jatinder Choudhary, learned counsel for the petitioners submits that the dispute is between the co-sharers and as such, in terms of Section 8 of RAIP Act, the issue of apportionment is required to be considered by the Arbitrator. He further submits that the respondent No. 4 has not provided the apportionment statement to the petitioners despite RTI application and further that the petitioners would avail remedy in terms of Section 8 of RAIP Act.
4. Ms. Sagira Jaffer, Advocate appearing on behalf of respondent Nos. 3 to 5 submits that apportionment statement shall be provided to the petitioners within a period of two weeks.
5. In view of the above, the present petition is disposed of by directing respondent Nos. 4 and 5 to provide apportionment statement to the petitioners within a period of two weeks. The petitioners shall avail appropriate remedy as available under law within a period of four weeks thereafter and till then, the compensation shall not be disbursed. The Collectorate shall take note of the relevant rules with regard to disbursement of compensation more particularly Rule 9 of RAIP Rules, 1953 if there is dispute regarding the apportionment of compensation.
6. **Disposed of.**

(RAJNESH OSWAL)
JUDGE

Jammu

NEHA KUMARI
2026.07.21 11:07.2026
I attest to the accuracy and
integrity of this document
21.07.2026
Neha Kumari