

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 152/2026
In WP(C) 1010/2026
CM 4511/2026

Autar Krishan Dhar

...Appellant(s)

Through: Mr. Sumir Pandita, Advocate (through Virtual Mode)

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Waseem Gul, GA.

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

08.09.2026

01. This intra-court appeal, filed by one Autar Krishan Dhar, is directed against an order and judgment dated 14.05.2026, passed by the learned Single Judge of this Court ["the writ Court"] in WP(C) No. 1010/2026 titled "*Autar Krishan Dhar Vs. Union Territory of J&K and Ors.*", whereby the writ Court has dismissed the petition, *inter alia*, on the ground that the acquisition of the land claimed by the appellant was not governed by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ["the Act of 2013"] and also on the ground that there was delay on the part of the appellant in availing the appropriate remedy for claiming just and fair compensation.

02. Briefly stated, the facts leading to the filing of this appeal are that the land measuring 1 Kanal and 2 Marlas, falling under Survey No. 133 min, situated at village Gund Doolipora, Handwara, [“the subject land”] owned by the appellant, was utilized by the respondents for construction of a water reservoir but without payment of any compensation.

03. It seems that the respondents did not proceed with the formal process of acquisition, instead they resorted to private negotiations and determined a rate of Rs. 4.30 lacs per kanal to be paid to the interested persons/the original owners i.e., the appellant herein. The appellant, as is evident from the minutes of the private negotiations held on 05.02.2019, was neither present at the meeting nor had he ever consented in writing to the rate so determined.

04. There is, however, a plea taken by the respondents that the appellant was informed telephonically and had consented to receive such amount as might be fixed by the Private Negotiation Committee (PNC).

05. Be that as it may, the fact remains that the appellant never accepted the compensation and instead filed a writ petition bearing OWP No. 456/2005, which was disposed of by this Court vide order dated 03.04.2008, directing the respondents herein to consider the case of the appellant herein for release of rent as well as compensation in respect of the land in accordance with law.

06. When the aforesaid judgment was not complied with by the respondents, the appellant filed a contempt petition bearing CPOWP No. 46/2009, in which the respondents filed the statement of facts, claiming therein that an amount of Rs. 3.00 lacs has been deposited in the office of the Additional Deputy Commissioner/Collector Land Acquisition, Handwara vide cheque dated 25.09.2012. It was on the basis of the aforesaid submission made by the respondents, the contempt petition was closed vide order dated 10.09.2018 in the absence of the appellant.

07. Since the compensation remained unpaid to the appellant, he was constrained to approach this Court once again, and this time by filing WP(C) No. 1010/2026, seeking, *inter alia*, a writ of certiorari for quashing and setting aside the private negotiation proceedings held on 05.02.2019 and claiming the compensation in terms of the Act of 2013.

08. The petition was opposed by the respondents on the ground that, once the Private Negotiation Committee had finalized the rate of compensation and the requisite amount stood deposited with the collector, the appellant should have come forward to receive the amount instead of filing a fresh petition with an intention to get enhanced compensation under the new legislation i.e., the Act of 2013. The writ Court accepted the plea of the respondents and, accordingly, dismissed the petition filed by the appellant. This is how the appellant is before us in this appeal.

09. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the private negotiation proceedings dated 05.02.2019, which were conducted in exparte and in the absence of the appellant, cannot be held to be binding on the appellant. The appellant, therefore, cannot be compelled to accept the rate of compensation determined by the Private Negotiation Committee in its meeting on 05.02.2019. We would have straightway accepted the appeal and set aside the judgment of the writ Court and called upon the respondents to initiate the acquisition proceedings afresh in accordance with law. However, having regard to the fact that the land in question was acquired way back in the year 2004 -2005 and that the litigation has been pending ever since, we are not inclined to adopt such a course. More particularly, when the appellant has made a fair statement before us that he is willing to put a quietus to the litigation, provided he is paid compensation at the rate assessed by the Private Negotiation Committee in its meeting dated 05.02.2019, along with statutory interest. We think that the fair statement made by the learned counsel appearing for the appellant deserves to be accepted and the matter put to quietus.

10. In view of the aforesaid, this appeal is allowed and the order of writ Court impugned in this appeal is set aside. The appellant is held entitled to compensation at the rate of 4.30 lacs per kanal in respect of the subject land which shall be paid to the appellant along with interest @ 6% per annum from 05.02.2019 to

04.02.2020 and thereafter with an interest at the rate of 10% per annum till the compensation is actually disbursed. Let the respondents do the needful forthwith and preferably within a period of two months from the date a copy of this judgment is served upon them.

11. *Disposed of.*

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

08.09.2026

"Mir Arif"

- (i) Whether the order is reportable? Yes/No.
- (ii) Whether the order is speaking? Yes/No.

