

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

**WP(C) No. 1741/2025
CM No. 2386/2026 CM No. 4551/2025**

Mohammad Yousuf & Ors.

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

Through: -

Mr. Rizwan Ul Zaman, Advocate with
Mr. Danish Khursheed, Advocate.

V/s

Union Territory of J&K and Ors.

... Respondent(s)

Through:-

Mr. Faheem Nisar Shah, GA for R-1 & 2.
Mr. Shuja Ul Haq, Advocate for R-3 & 4.

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE.

(ORDER)

29.09.2026

1. On mention, this case is taken up, out of turn.
2. Heard the learned counsel for the petitioners in respect of the matter.
3. The grievance of the petitioners/ land owners, in brief, is that their land situated in the revenue estates of Semthan and Tulkhan of Tehsil Bijbehara came to be acquired by the National Highway Authority of India for construction of National Highway. That the Collector concerned proceeded to pass final awards in respect of the acquisition of their land, inclusive of the land of other land owners. That aggrieved by the rates determined by the concerned Collector as per the final awards, references were made by the concerned Collector at the request of the land owners of the two villages, including them.
4. That accordingly, the learned Principal District Judge, Anantnag, passed awards and decrees dated 15th of December 2018 on references.

That aggrieved by the awards/decrees dated 15th of December 2018 of the learned District Judge, Anantnag, the respondent No. 3- National Highway Authority of India preferred two appeals before this Court bearing CFA No. 2/2019 and 3/2019, impugning the aforesaid judgments of the learned Principal District Judge, Anantnag. Both the appeals preferred by the National Highway Authority of India came to be dismissed by this Court vide common order dated 21st of September 2023 as meritless, thereby upholding the awards/ decrees of the learned Reference Court. That this Court, while dismissing the appeals of the National Highway Authority of India, held that respondents/ land owners, therein are entitled to seek release of the deposited amount by giving them liberty to make an appropriate application before the Registrar Judicial of this Court with the direction to the learned Registrar Judicial to release the deposited amount in their favor as per their entitlements, and after proper verification by their counsel. That subsequently they approached the Registrar Judicial of this Court seeking the release of the deposited amount to their extent who refused the same on the ground that they are not figuring in the list of the respondents in the two appeals disposed of by this Court vide common order dated 21st of September 2023.

5. Learned counsel for the petitioners submits that the initial reference was made by Collector concerned to the learned Principal District Court on their behalf too which is clear from the fact that titles of the litigations on one side, reads Inhabitants of village Semthan and Inhabitants of village Turka Thachloo. He submits that the learned

Principal District Judge passed the awards dated 15th of December 2018 in respect of the land owners of the two villages mentioned in the references.

6. It is further contended by the learned counsel for the petitioners that the land of the present petitioners acquired by the respondent-National Highway Authority of India falls within the revenue estate of Semthan, Bijbehara, comprised under one set of reference, award/ decree of the learned Reference Court and the CFA No. 2/ 2019.
7. It is further contended by the learned counsel that during the proceedings of the appeals before this Court, the compensation amount as per the impugned awards of the learned Principal District Judge was got deposited with the Registry of this Court. It is submitted that the present petitioners, who though figuring in the basic references, were not mentioned by the appellant-National Highway Authority of India in the appeals disposed of by this Court.
8. The petitioners accordingly seek the direction upon the Registrar Judicial of this Court for release of the deposited awarded amount to the extent of the entitlements in their favor against the acquisition of their land as per the judgment dated 21st of September 2023 of this Court.
9. Mr. Shuja Ul Haq, learned counsel representing the respondent Nos. 3 and 4, i.e. National Highway Authority of India, PIU, Jammu, through its Project Director, has got no objection in passing the direction to the Registrar Judicial of this Court regarding release of the deposited compensation amount on account of the land of the petitioners strictly

in accordance with the basic awards read with the judgments/ decree passed by the learned Principal District Judge, Anantnag and the apportionment statements.

10. The learned appearing counsel for the respondent Nos. 1 and 2 is not also averse to the release of the deposited compensation amount in favor of the present petitioners strictly in accordance with the law.
11. It is submitted by the learned counsel for both the parties that the compensation amount came to be deposited with the Registry of this Court during the proceedings of the appeals filed by the National Highway Authority of India.
12. In the facts and circumstances of the case, the court is of the opinion that the matter can be disposed of even at this stage by passing of appropriate directions, which are not likely to prejudice the interests of any of the parties.
13. Accordingly, the instant petition is **disposed of** with a direction to the learned Registrar Judicial of this court to ascertain as to whether the compensation amount against the land acquired from the present petitioners has also been deposited with the Registry as per the enhanced rate pursuant to the judgment/ decree dated 15th of December 2018 of the learned District Judge, read with the common judgment/ decree dated 21st of September 2023 of this court passed in CFA 2/2019 and CFA 3/2019. In case it is found that same stands deposited, the compensation amount along with deposited interest shall also be released in favour of the petitioners to the extent of their entitlements

as per the final award/ updated apportionment statements and strictly under rules upon their proper identification by their learned counsel.

14. It is stipulated for the sake of convenience that if the Registrar Judicial feels any difficulty in respect of the disbursement of the compensation amount in favor of the petitioners, clarification or assistance can be obtained from the office of the respondent No. 2, i.e., the Collector Land Acquisition, (Additional Deputy Commissioner, Anantnag).

15. **Disposed of.**

SRINAGAR

September 29th, 2026

"Shoaib Javid"



(MOHD YOUSUF WANI)
JUDGE