Sr. No.111

HIGH COURT OF JAMMU AND KASHMIR
ATJAMMU
(Through Virtual Mode)

WP(C) No.1433/2020
CM No.4685/2020

Ram Krishan & anr. …. Petitioner/Applicant(s)

Through:- Mr. Rajneesh Singh Parihar, Adv.

V/s

UT of J&K & ors. …..Respondent(s)

Through:- Mr. S. S. Nanda, Sr.AAG.

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

1. Petitioners claimed to be the owners in possession of land measuring 6 kanals and 19 marlas falling under Khasra No.1350 and 05 kanals and 17 marlas falling under Khasra No.1348 min situated at Village Lopara, Dachhan, Kishtwar which was acquired by the respondents for the purpose of construction of Pakal Dul HEPP Dam Site and acquisition proceedings were initiated vide notification dated 11.12.2018. Petitioners through their attorney holder had approached respondent No.3 requesting for reframing/re-preparing of the papers pertaining to land falling under Khasra Nos. 1348 and 1350. However, the same was not done and the respondents issued a final award vide notification No. ADCK/LA/2019/135 dated 14.09.2019.

2. The grievance of the petitioners is that the award was passed in their absence and compensation of only 02 kanals of land have been awarded in the petitioners' share falling in Khasra No.1348 instead of 05 kanals and 17 marlas

where as in Khasra No. 1350, the entire land has been shown in the name of the private respondents.

3. The petitioner immediately after the receipt of the knowledge of the award approached to respondent No.3 by an application and sought reference of the matter to the District Court for determination by the Court with regard to the apportionment on 22.02.2020. The Collector, Land Acquisition even after the receipt of the application for reference being made, has not taken any action on the same. Thereafter, the petitioners moved an application to the Financial Commissioner, Revenue with the similar request and he vide communication dated 11.03.2020 directed the Additional Commissioner, Kishtwar to take the necessary action but despite notices till date, no objections have been filed by the official respondents.

HIGH COURT JAMMU & KASHMIR

4. Learned counsel for the petitioners submits that the only relief, he seeks at this stage, is a direction to respondent No.3 to decide his application.

5. To this, learned counsel for the respondents has no objection.

6. The Collector Land Acquisition in terms of Section 18 of J&K Land Acquisition Act has to decide the application of any interested person, who has not accepted the award that the objections regarding measurement of land, apportionment of amount of compensation, the person to whom it is payable be referred for determination of Court.

7. The petitioners have made a written application to respondent No.3 on 22.02.2020. According to them, it was neither passed in their presence nor any notice of the same in terms of Section 12(2) of the Act was issued to them.

8. In this view of the matter, respondent No.3 is directed to consider and decide the application of the petitioner seeking reference under Section 18(1) of

J&K Land Acquisition Act strictly in accordance with law within a period of six weeks from the date of receipt of the copy of this order.

(Sindhu Sharma)
Judge

JAMMU
24.12.2020
Eva



EVA GUPTA
2021.02.02 14:56
I attest to the accuracy and
integrity of this document