HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 131/2026

Reserved on 27.10.2026
Pronounced on 31.10.2026
Uploaded on: 03.11.2026

Whether the operative part or full judgment is pronounced:Full

Lt. Co. Yesh Paul Sharma ..... appellant (s)

Through :- Appellant in person

V/s

Union of India and others .....Respondent(s)

Through :- Mr. Vishal Sharma DSGI with
Mr. Karan Sharma CGSC
Ms. Monika Kohli Sr. AAG with
Ms. Priyanka Bhat Advocate
Mr. Akash Gupta Advocate.

Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE

JUDGMENT

Sanjeev Kumar J

1. This intra-Court appeal is directed against an order and judgment dated 24.12.2025 passed by a learned Single Judge of this Court ["the writ Court"] in WP(C) No. 1736/2023, titled *Ltd. Col. Yesh Paul Sharma (Retd.) v. Union of India and others*, whereby the writ petition filed by the appellant has been dismissed.

2. The appellant is aggrieved of the impugned judgment passed by the writ Court and challenges the same on the ground that the writ Court has failed to appreciate the material facts and the alleged irregularities in the acquisition proceedings.

3 We have heard the appellant and learned counsel for the respondents and perused the record.

3. The facts, in brief, are that land measuring 236 kanals and 13 marlas, comprising various khasra numbers situated at village Bhajwal (Mohra Sodra), Tehsil Sunderbani, came to be acquired for the establishment of the Sector Headquarters of the Border Security Force (BSF). The acquisition proceedings commenced with the notification issued under Section 4 of the Jammu and Kashmir Land Acquisition Act, Samvat 1990, in March 2006. The Collector Land Acquisition subsequently made the final award bearing No. Coll/Def/48-49 dated 18.04.2011, assessing compensation at the rate of Rs.1,60,000/- per kanal, together with jabrana at the rate of 50 per cent.

4. The grievance raised in the writ petition primarily was with regard to the acquisition of land comprising khasra Nos. 1656, 1658 and 1670, measuring 64 kanals ["the subject land"]. The appellant before the writ court questioned the legality of the acquisition proceedings, the correctness of the revenue records relied upon by the acquiring authorities, the assessment and disbursement of compensation, as also the alleged failure of the authorities to release certain parcels of land. He also sought, *inter alia*, de-notification and restoration of land, and an inquiry into the alleged irregularities. He further sought a direction for payment of the compensation claimed to be due to him.

5. The learned Single Judge, while examining the matter, called upon the Collector Land Acquisition, Defence, Rajouri-Poonch, to appear in person along with the relevant record to explain the apportionment and payment of compensation. Upon examination of the record, the writ Court found that the appellant's father, Badri Nath, along with his two brothers, Tej Ram and Paras Ram, held a one-third share each in the land falling to their family share of 32 kanals.

6. The record produced before the writ Court indicated that 80 per cent of the compensation payable against the respective shares had been paid. In particular, an amount of Rs.15,70,133/- was shown to have been paid to Badri Nath vide cheque No. 731666 dated 03.02.2008. The relevant apportionment statement bore his signature in the column meant for the signatures of the payees, and there was nothing on record to indicate that the amount had been received under protest. The writ Court further found that the remaining 20 per cent of the compensation payable to Badri Nath, amounting to Rs.3,92,533/-, remained deposited with the Collector, as he had not approached the authority for its release.

7. The writ Court also took note of the fact that Badri Nath had died on 25.12.2022, whereas the writ petition was instituted in June 2023. The petition had nevertheless been instituted in his name, without his affidavit or signature. The learned writ Court, therefore, held that the appellant had instituted the proceedings in his deceased father’s name without establishing any legal right to challenge the acquisition proceedings in the manner claimed.

8. The writ Court, accordingly, dismissed the writ petition, holding that the appellant could not seek to reopen the concluded acquisition

proceedings through the writ petition. It was, however, observed that the legal heirs could approach the competent authority for release of the remaining compensation, subject to obtaining the requisite succession certificate, and could avail of the appropriate statutory remedy for any permissible dispute relating to assessment or apportionment of compensation.

9. The appellant appearing in person would submit that the judgment passed by the writ Court is not sustainable in law. It is contended that the learned Single Judge has failed to consider the alleged discrepancies in the revenue record, the extent of land actually taken into possession by the acquiring authorities, and the alleged irregularities in the payment of compensation. The appellant would further submit that the acquisition proceedings were vitiated for non-compliance with the prescribed procedure and that the writ Court has failed to appreciate the material relied upon by the appellant, including the correspondence relating to the alleged requirement of land and the subsequent use thereof.It is also contended that the writ Court has not properly considered the agreement regarding the release of a portion of the acquired land and the judgment passed in WP(C) No. 1361/2023, titled *Rattan Chand and others v. Union Territory of Jammu and Kashmir and others*. On these grounds, the appellant seeks setting aside of the impugned judgment.

10. *Per contra*, learned counsel appearing for the respondents would support the judgment passed by the writ Court. It is submitted that the acquisition proceedings stood concluded with the making of the award dated 18.04.2011 and that the appellant has failed to demonstrate any legal infirmity warranting interference by this Court in the judgment impugned in this intra-Court appeal. It is further submitted that the relevant record establishes payment of 80 per cent of the compensation to the appellant's father without

any recorded protest and that the remaining compensation is also available with the Collector for its release in accordance with law. Learned counsel would, therefore, submit that the appeal is devoid of merit and deserves dismissal.

11. Having considered the submissions made by the appellant and learned counsel for the respondents and perused the original acquisition record produced by learned counsel for the respondents, we are of the considered view that no ground for interference with the impugned judgment is made out.

12 The primary question that arises for consideration is whether the appellant has been able to point out any infirmity in the judgment passed by the writ Court warranting interference by this Court in this appeal . We are of the considered view that the appellant has failed to do so.

13. It is an admitted position that the acquisition proceedings commenced in the year 2006 and culminated in the final award dated 18.04.2011. The writ petition challenging the acquisition proceedings, the award, the revenue entries and the payment of compensation was instituted in June 2023. The appellant has not been able to demonstrate any justifiable ground for invoking the writ jurisdiction of this Court after such a considerable lapse of time. Mere allegations of irregularities in the acquisition proceedings or disbursement of compensation, without anything more, cannot be a ground to reopen an acquisition which has culminated into a final award since 18.04.2011.

14. Another important aspect of the matter is that the claim of the appellant, insofar as it relates to the share of his father in the acquired land, is founded upon the rights which vested in his father during his lifetime. The writ Court has noticed that Badri Nath had received 80 per cent of the compensation

payable against his share and that the apportionment statement bears his signatures acknowledging receipt of the amount. The appellant has not been able to point out any material on record which would warrant a different view on this aspect.Even otherwise, any grievance with regard to the quantum of compensation or its apportionment has to be worked out in accordance with the remedy provided under law. The appellant cannot seek to invalidate the entire acquisition proceedings merely by raising such a grievance, particularly when his father had received a substantial portion of the compensation without any recorded protest.

15. The plea that the acquiring authorities relied on outdated revenue records or that the land taken over did not correspond to the land covered by the award does not warrant a different view from the one taken by the learned Single Judge. The appellant has failed to point out any legal error in the findings recorded by the learned Single Judge that would justify interference by this Court in appeal.

16. The judgment passed in WP(C) No. 1361/2023, titled Rattan Chand and others v. Union Territory of Jammu and Kashmir and others, relied upon by the appellant, does not advance his case. The decision in another writ petition, based on its own facts, cannot by itself be a ground to hold that the judgment under appeal is erroneous. The appellant was required to show that the findings recorded by the learned writ Court in the present case were contrary to the facts and material on record or were otherwise legally unsustainable. He has failed to establish any such infirmity.

17. We are also in agreement with the writ Court that the claim relating to the unpaid 20 per cent of the compensation stands on a different

footing. The amount of Rs.3,92,533/- payable to Badri Nath has been found to be lying with the Collector Land Acquisition. The legal heirs of the deceased may approach the competent authority for release of the said amount upon establishing their entitlement in accordance with law. Any permissible grievance regarding the assessment or apportionment of compensation may also be pursued before the competent forum in accordance with the applicable statutory provisions. In the face of availability of such remedies, writ jurisdiction cannot be invoked for reopening the entire acquisition proceedings in the manner sought by the appellant.

18. Upon consideration of the matter, we find that the learned writ Court has duly considered the material on record and has rightly held that the reliefs sought by the appellant could not be granted in the writ petition. The grounds raised in the present appeal do not disclose any error of law or perversity in the findings recorded by the learned writ Court. The appellant has merely reiterated the pleas raised before the learned writ Court, without showing any valid ground for interference by this Court in this appeal.

20. For the foregoing reasons, we find no merit in this appeal. The writ Court was justified in dismissing the writ petition, and we see no reason to take a different view.The appeal is, accordingly, dismissed. The judgment dated 24.12.2025 passed by the learned Single Judge in WP(C) No. 1736/2023 is upheld.It is, however, clarified that the dismissal of this appeal shall not preclude the legal heirs of deceased Badri Nath from approaching the competent authority for release of the remaining compensation or from availing of any other remedy available to them under law.

The original record be returned to the concerned.

(M.A.CHOWDHARY)
JUDGE

(SANJEEV KUMAR)
JUDGE

Jammu
31 .10.2026
Sanjeev

Whether the order is speaking: Yes
Whether the order is reportable: No

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Sanjeev Kumar
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