Serial No. 22

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 2239/2023

Ambika Jamwal and others …..Appellant(s)/Petitioner(s)

Through: Mr. Ankesh Chandel, Advocate.

vs

UT of J&K and others ….. Respondent(s)

Through: Ms. Sagira Jaffar, Advocate vice
Ms. Monika Kohli, Sr. AAG
Mr. Tabrez Haq Malik, Advocate
Mr. Dewakar Sharma, Dy. AG.

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

ORDER
18.11.2026

1. This is the second round of litigation, as the earlier writ petition preferred by the petitioners was disposed of by the Division Bench of this Court in terms of judgment dated 16.12.2021 with the following directions:

> *"40. Accordingly, in the facts and circumstance of the case, as narrated earlier, instead of quashing the proceedings, we direct for the payment of exemplary damages to the petitioners. Since the said exemplary damages are beyond determination by this Court as there is no material in respect thereof, as a token, we quantify the said damages @ Rs. 1, 25 000/- per annum from the date of possession, i.e. 16.10.2012 till the date of this judgment, to be paid to the petitioners, within a period of three months from today in addition to the compensation offered to them vide final award dated 22.12.2012. The Commissioner/Secretary to Govt. Revenue Department would ensure compliance of the above directions and to submit affidavit of compliance within fifteen days of the expiry of the above period of three months. In the event the aforesaid amount is not paid to the petitioners within the period fixed, interest @ 12 percent should be paid on it from the date of expiry of the above time till its payment."*

2. The aforesaid order was assailed by the UT of J&K through the medium of Civil Appeal No. 4753/2022, but the same was dismissed in terms of order dated 03.09.2026.

3. Through the medium of present writ petition, the petitioners have complained that despite the fact that their land was utilized by the respondents for establishing the Central University, no compensation has been paid to them till date.

4. Accordingly, the petitioners have sought issuance of directions to the respondents to pay them the compensation in terms of final award dated 22.12.2012 in lieu of their land acquired by the respondents for establishing Central University and for commanding the respondent Nos. 2 and 3 to consider and decide the application filed by the petitioners in terms of Section 18 of the J&K Land Acquisition Act.

5. Respondent Nos. 1 to 3 have filed response. Besides narrating the history of the litigation, they have admitted issuance of final award and further that the judgment of the Division Bench (Supra) has been assailed by the UT of J&K before the Hon'ble Apex Court.

6. Respondent No. 4, at whose behest land was acquired has adopted the response filed by respondent Nos. 1 to 3.

7. Mr. Dewakar Sharma, learned counsel for the respondent No. 4 has contended that Central University is a necessary party, as such, is required to be impleaded as party respondent in the present petition.

8. Heard learned counsel for the parties and perused the record.

9. So far as contention raised by Mr. Dewakar Sharma, learned Dy. AG regarding arraying of Central University as respondent is concerned, a perusal of the final award dated 22.12.2012, placed on record by the respondent Nos. 1 to 3, reveals that the indent for acquisition of land was placed by the Higher Education Department, Civil Secretariat Jammu, i.e. respondent No. 4, as such, contention raised by Mr.

Dewakar Sharma is found to be without any merit and the same is accordingly rejected.

10. Order dated 16.12.2021 passed by the Division Bench of this Court was assailed by the UT of J&K before the Hon'ble Apex Court but the civil appeal has been dismissed by the Apex Court in terms of order dated 03.09.2026 passed in Civil Appeal No. 4753 of 2022.

11. Respondents, till date, have not paid the compensation to the petitioners and have also not decided the application stated to have been filed by the petitioners in terms of Section 18 of the J&K Land Acquisition Act.

12. In view of the above, the present writ petition is disposed of in the following terms:

i. Respondents are directed to release the compensation assessed by the Collector in terms of the final award dated 22.12.2012 within a period of 30 days from today along with statutory interest.

ii. Respondent No. 3 shall decide the application stated to have been filed by the petitioners in terms of Section 18 of the J&K Land Acquisition Act within the period mentioned above.

13. **Disposed of along with the connected application, if any.**

(RAJNESH OSWAL)
JUDGE

Jammu
18.11.2026
Sahil Padha

Sahil Padha
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I attest to the accuracy and
integrity of this document