Sr. No. 04

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

LPA No. 226/2026 in
WP(C) No. 2817/2021
CM No. 7391/2026
CM No. 7392/2026

Date of pronouncement: 21.10.2026
Date of Uploading: 22.10.2026

Roshan Begum and others .....Applicant(s)/Appellant(s)

Through :- Mr. M Nadeem Bhat, Advocate

v/s

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

Through :- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC
Ms. Priyanka Bhat, Assisting Counsel vice
Ms. Monika Kohli, Sr.AAG

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
21.10.2026

01. Impugned in this intra-court appeal filed under clause 12 of Letters Patent is an order and judgment dated 18.09.2026 passed by a learned Single Judge of this Court ["Writ Court"] in WP(C) No. 2817/2021 titled "Roshan Begum & others vs. UT of J&K and others", whereby the writ petition filed by the appellants for quashing notification dated 27.10.2016 issued under Section 4 and notification dated 16.08.2017 issued under section 6 of the Land Acquisition Act 1990 ["the Act"] as also the award dated 04.07.2018 passed by Collector Land Acquisition, Gool, District Ramban, has been dismissed.

02. Briefly stated, the facts leading to the filing of this petition are that the respondent No.3 initiated proceedings for land acquisition in terms of Section 4 of the Act vide its notification dated 27.10.2016. The land was required for construction of Gool-Budhan Road to be constructed by GREF.

03. The award was challenged before the Writ Court primarily on the ground that the same had not been passed within two years from the date of issuance of notification under Section 6 and therefore, the entire proceedings culminating into award were vitiated. The writ petition was contested by the respondents by filing their objections.

04. The Writ Court, having considered the rival contentions, came to the conclusion that in the instant case, the award stood passed by respondent No.3 within a period of two years and therefore, the acquisition proceedings were not hit by Section 11-B of the Act. Consequently, the writ petition was dismissed.

05. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Writ Court is legally and factually correct and does not call for any interference.

06. It is not in dispute that there is no concept of passing of any tentative award under the Act. The award passed by Collector becomes final when it is filed in Collector's office in terms of Section 12 of the Act. It is only in a case where the amount of compensation tentatively assessed is not

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within the competence of the Collector, the matter is required to be referred to the competent authority for approval.

07. It is in these circumstances, the tentative assessment made by the Collector, which is subject to approval by the competent authority is sometimes termed as a draft award or tentative award. However, in the instant case it is not the case of the appellants that the Collector was not competent to award the compensation and that in the instant case prior approval by the competent prescribed higher authority was required.

08. It is in the background of this legal and factual position, the Writ Court rightly construed the award as an award referable to Section 12 of the Act. It has also come on record that only the award was passed by the respondent No.3 but the compensation in terms of the award was also disbursed to the appellants though they received it under protest.

09. Be that as it may, both the appellants as well as Collector have correctly treated the award impugned before the Writ Court as the final award and have acted accordingly. We therefore, cannot entertain the contention of appellants that the award passed by Collector was only a tentative award yet to be finalized and that the same was not finalized within the stipulated period.

10. That apart, there is another aspect, which, this court cannot lose sight of. In the instant case, the land already stood taken over and the compensation, as worked out in the award impugned before the writ petition, disbursed to the appellant.

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11. In these circumstances, we would not hesitate to hold that Section 11-B shall have no application to the cases of acquisition under Section 17 because by payment of 80% of the tentative assessed compensation [here its hundred percent] and taking over the possession of the land under acquisition, the land vested in the Government and there is no provision in the Act to revert the land back to the owner once it has vested in the Government [See **"Bashir Ahmad Paul vs. State of Jammu and Kashmir 2005 (1) JKJ68 (J&K)"].**

12. For the reasons given above and also the elaborate reasons given by the Writ Court in the impugned judgment, we do not find any merit in this appeal and same is, accordingly, dismissed.

13. We, however, leave it to the appellants to work out their remedy in case they are aggrieved of the rate and quantum of compensation paid to them.

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(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
21.10.2026
Sapna