

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

**WP(C) No. 910/2024
CM No. 2449/2024**

Shilpa Gulla

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

Through: Mr. G. A. Lone, Adv.

Vs.

Union Territory of JK and Ors.

...Respondent(s)

Through: Mr. T.M.Shamsi, DSGI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

ORDER
03.05.2024

The petitioner is aggrieved of and has challenged the Order dated 7th January, 2023, passed by the Deputy Commissioner, Budgam and Order dated 23rd March, 2023, passed by the Collector Defence, Budgam, on the ground that both the Authorities lack jurisdiction to adjudicate the dispute raised by the private respondents.

Learned counsel for the petitioner submits Section 8 (f) of the Requisitioning and Acquisition of Immovable Property Act, 1952, provides that if there is any person or persons who are entitled to the compensation or to the apportionment thereof, the same is required to be decided by an Arbitrator to be appointed by the Government. He argues that in the instant case, neither Deputy Commissioner nor

the Collector Defence, Budgam was ever appointed as Arbitrator by the Government and, therefore, orders of both the Authorities are without jurisdiction.

Notice.

Notice waived by Mr. T.M.Shamsi, DSGI, on behalf of respondents 2,6 and

7. He shall file objections by the next date of hearing.

Notice shall go to other respondents returnable within four weeks.

Requisite steps for service within two weeks.

List again on 19th July, 2024.

In the meanwhile, subject to objections and till next date of hearing before the Bench, there shall be stay of the effect and operation of the impugned orders. The Deputy Commissioner, Budgam, shall deposit the amount of compensation before the Registry of this Court, provided it is still lying with him. The amount of compensation, if received by the Registry of this Court from the Deputy Commissioner, Budgam, shall be kept in a fixed FDR for a period of six months in the first instance.

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

03.05.2024

"Shamim Dar, PS"