

Serial No. 25
Regular List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

RFA 34/2019
CM(412/2023)
CM(4204/2022) CM(5303/2023)
CM(5475/2019) CM(5476/2019)

ASSADULLAH BHAT AND ORS..

...Appellant(s)

Through: Ms Masooda Jan, Advocate.

VERSUS

STATE OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Illyas Nazir Laway, GA

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
31.10.2023

CM No. 5303/2023.

01. This is an application filed by Attorney holder of the appellants seeking release of awarded sum from the registry of this Court.
02. Heard and perused the record.
03. It appears that on the basis of the reference made by the Collector Land Acquisition, PWD, Srinagar, award dated 18.05.2018 came to be passed by learned Principal District Judge, Budgam, whereby a total sum of Rs. 73,89,900/- has been awarded as compensation in favour of the claimants namely Assad-ullah Bhat, Mohammad Ahsan Bhat, Nazir Ahmad Bhat & Hilal Ahmad Bhat in respect of the land measuring 05 kanals and 19 marlas under Survey No. 509/384 situated at Rakh Sutoo Nowgam Tehsil Chadoora District Budgam.

04. It seems that the claimants feeling dissatisfied with the award passed by the Reference court, filed the appeal bearing RFA No. 34/2019 before this Court which is pending disposal. During the pendency of the said appeal, certain amount has been deposited with the registry of this Court and vide Order dated 02.08.2023 passed by this Court, the registry has been directed to release the amount deposited by the respondents along with interest if any accrued in favour of the petitioners subject to the undertaking that in the event petitioners upon final adjudication of the case are found not to be entitled to the said amount, they would reimburse the same.

05. The present application has been filed by the Attorney Holder of the applicants/appellants/claimants seeking a direction upon the registry of this Court that the deposited sum in favour of the applicants/appellants/claimants be released in his favour on their behalf. He has placed on record copies of two deeds of Power of Attorney, one executed on 23rd January, 2006 and other executed on 26th December, 2008. As per the Power of Attorney dated 23rd January, 2006, applicant/appellant namely Assadullah Bhat has been granted Power of Attorney by the appellants namely Hilal Ahmad Bhat and Nazir Ahmad Bhat in respect of land measuring 3 kanals and 6 marlas under Khasra No. 509/384, and as per the Power of Attorney dated 26th December, 2008, appellant namely Mohammad Ahsan Bhat has authorized appellant namely Assad-ullah Bhat in respect of land measuring 04 kanals under Khasra No. 509/384 situated at Rakh Sutoo Nowgam Tehsil Chadoora, District Budgam. These Power of Attorneys *inter alia* authorize the

applicant Assad-ullah Bhat to receive any compensation claim or any other claim in respect of the property in question from the Government or Semi-Government and to defend or institute any case before the Court of law or any other authority in respect of the said property.

06. It appears that on the strength of these Deeds of Power of Attorneys, applicant Assad-ullah Bhat has pursued the case on behalf of other appellants/claimants before the Reference Court and even the present appeal has been filed by him on their behalf. Thus, there is no legal impediment in directing the release of the deposited amount in his favor subject to the conditions contained in order dated 02.08.2023 passed by this Court, inasmuch as the undertaking would be filed by the applicant on behalf of other appellants. It is further provided that applicant/appellant shall produce the original Power of Attorneys before the Registrar Judicial of this Court for verification purposes .

07. Application stands disposed of.

08. List the main appeal on 14.12.2023.

(Sanjay Dhar)
Judge

SRINAGAR

31.10.2023.

Showkat