

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2148/2024 CM(5770/2024)

GHULAM HUSSAIN SHEIKH AND ORS ...Petitioner(s)/Appellant(s)

Through: Mr. Shafqat Nazir, Advocate

Vs

UT OF J AND K AND ORS ...Respondent(s)

Through:

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
19.09.2024

In this petition, petitioners have challenged the compulsory land acquisition proceedings initiated by the respondents, which, as per the petitioners are in complete violation of their right to property as well as the applicable land acquisition laws and statutes.

It is submitted by learned counsel for the petitioners that the final award has been passed on 06.11.2023 by respondent No. 5 under Section 11, with other orders passed under Section 6, 7, 9, 9A and 17 of the State Land Acquisition Act, 1990.

Learned counsel for the petitioners submits that in terms of Private Negotiation Committee (PNC) meeting held on 05.02.2020, the petitioners had agreed on the compensation rate @ Rs. 65 Lacs per kanal, however, the same was modified in a subsequent meeting of Private Negotiation Committee held on 28.02.2023, @ Rs. 45 Lacs per kanal, a decision to which the petitioners are not signatories. Learned counsel for the petitioners submits that the petitioners did not agree with the rate of Rs. 46 Lacs per kanal, yet the respondents have passed the impugned award fixing the lesser compensation in favour of the petitioners @ Rs. 32 Lacs per kanal.

Learned counsel for the petitioners further submits that petitioners are entitled to more than Rs. 46 Lacs per kanal, but the respondents have deliberately passed the award @ Rs 32 Lacs per kanal.

Notice in the main case as also in CM returnable within a period of four weeks.

Steps for service within one week.

List on 22.11.2024.

Meanwhile, subject to objections from the other side, respondents are directed to consider the claim of the petitioners for the release of the minimum amount of compensation as payable to other land owners @ Rs. 46 lacs per kanal which the petitioners are ready to accept under protest subject to the final disposal of the instant petition.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
19.09.2024
Aamir

