

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

Case:- WP(C) No. 173/2022
c/w
WP(C) No.262/2022
WP(C) No.263/2022
WP(C) No.329/2022

Kuldeep Kumar Sharma and others

.....Petitioners

Through: Mr. Pranav Sharma, Advocate
Ms. Supriya Chauhan, Advocate

Vs

UT of J&K and others

..... Respondents

Through: Ms. Nazia Fazal, Assisting Counsel vice
Mrs. Monika Kohli, Sr. AAG.
Mr. Harshvardhan Gupta, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(11.07.2025)

01. There are two aspects involved with respect to the adjudication of the present writ petitions. In all the writ petitions filed by the respective writ petitioners as being aggrieved land owners expropriated by virtue of land acquisition exercise, the challenge is thrown both to the process of land acquisition as well as to the final land acquisition award.

02. Mr. Pranav Sharma & Ms. Supriya Chauhan, learned counsel for the respective writ petitioners submit that one of the grounds of challenge to the land acquisition process is that none of the notifications relatable to the land acquisition exercise, in particular

section 4 Notification was ever put to public notice through publication in local newspapers as is the mandate of section 4(1)(b) of the Land Acquisition Act Svt., 1990.

03. The requirement of section 4(1) with respect to publication of its notification under section 4 is mandatory and calls for no dilution or deviation which is indisputably a settled law against which nobody can be allowed to argue, as has been held by this Court (Single Bench) in its judgment dated 25.03.2025 in WP(C) No. 1361/2023 in case titled - "*Rattan Chand others Vs UT of J&K and others*" by reference to para 17.

04. In addition, Mr. Pranav Sharma, learned counsel for the petitioners in WP(C) No. 173/2022 refers a patent anomaly in the impugned award itself saying that as against the recommended compensation rate by a committee of Collectors in its meeting held on 29.10.2019 proposing the rate of interest @ Rs. 14,40,000/- per kanal irrespective of type of soil with respect to Bhalwal, by a machination at the end of the respondents by repeated reference to the Deputy Commissioner (District Collector), Jammu, Divisional Commissioner, Jammu and Financial Commissioner Revenue, J&K a Committee of Collectors was re-constituted to somehow over ride the recommendation of the erstwhile committee of Collectors and then come up with the recommendation for a lower rate of compensation which came to be at Rs. 8.46 lacs per kanal which came to be the rate at which the land was meant to be acquired relatable to the petitioners.

05. In order to figure out as to whether the procedural compliances mandated under the Land Acquisition Act, Svt., 1990 have been carried out relatable to the issuance of the final award No. DCJ/LA/Fill Site/Bhalwal/2021-22/316-18 dated 26.06.2021, this Court directed for production of relevant record, which of course is the acquisition record which came to be produced on 11.03.2025 but was not retained for the reasons not set out in the order dated 11.03.2025 and, therefore, this Court is constrained to direct reproduction of the acquisition record from the end of the respondent No. 3 – Collector Land Acquisition (Assistant Commissioner Revenue), Jammu.

06. Ms. Nazia Fazal Assisting Counsel to Mrs. Monika Kohli, learned Sr. AAG is directed to get the requisite record in its entirety from the concerned Collector for its production on the next date of hearing.

07. List in continuation on **30.07.2025**.

(RAHUL BHARTI)
JUDGE

JAMMU
11.07.2025
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