

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

CJ Court

Case: **WP(C) No. 224 of 2021**

Irshad Ahmed Hamal and others

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

Through: Sh. P. N. Raina, Sr. Advocate with
Sh. J. A. Hamal, Advocate.

v/s

Union Territory of Jammu and Kashmir
and others

.... Respondent(s)

Through: Sh. S. S. Nanda, Sr. AAG.
Sh. Ravinder Gupta, AAG.
Sh. Sandeep Gupta, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

The petitioners have not been paid compensation of the acquired land even as per the award dated 08.09.2014 which is in the shape of an offer by the Government. Thus, it is a case where the Government is not abiding by its own offer.

The plea put forward is that the Collector Land Acquisition (Assistant Commissioner Revenue) Kishtwar is unable to pay the amount as the PWD and GREF has not deposited the requisite amount.

This is none of the concern of the petitioners rather than an internal matter of the Government *interse* the departments.

Once the award has been made by the Collector, he has to obey the same. In case, the required payment has not made by the concerned

department, the Collector may recover the same from the department concerned but the petitioners cannot be held at ransom and denied the compensation as it would be negation of their right to property enshrined under Article 300-A of the Constitution of India.

In view of the above facts and circumstances, we issue an *ad interim* mandamus commanding the Collector Land Acquisition (Assistant Commissioner Revenue) Kishtwar to make the compensation to the petitioners as per the award dated 08.09.2014 with interest as admissible under law, within a period of one month, failing which we require personal presence not only of the Collector Land Acquisition (Assistant Commissioner Revenue) Kishtwar but the Chief Secretary, Union Territory of J&K, Jammu.

List on 26th April 2021.

(SINDHU SHARMA)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
25.03.2021
Sunita