

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

CJ Court

Case: OWP No. 1590 of 2016

Gul Mohd. and another

.....Appellant/Petitioner(s)

Through :- Sh. P N Goja, Senior Advocate with
Sh. Abhinav Jamwal, Advocate.

v/s

State of J&K and others

.....Respondent(s)

Through :- Sh. S S Nanda, Sr. AAG.
Sh. Ravinder Gupta, AAG for
Respondent no.4.
Sh. Suneel Malhotra, GA for
Respondents 5 & 7.
Sh. Jatinder Choudhary, Advocate for
respondent No.6 (NHAI)
Sh. Rahul Pant, Senior Advocate with
Sh. Anirudh Sharma, Advocate for
respondent no.9.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

1. The petitioners have not been paid the damages caused to their property while widening the road. The damages have been assessed by the District Superintendent Engineer, PWD (R&B), Circle Doda to the tune of ₹12,71,000/- as intimated vide letter dated 15.05.2015.
2. The Court on 07.04.2021 directed the respondents to make payment and to come ready with the cheque of the aforesaid amount. Till date, the payment has not been made.
3. Respondent nos. 5 and 6 submit that the payment has to be made by the Deputy Commissioner out of the State Disaster Management Funds for the District Ramban.

4. Sh. S S Nanda, learned Sr. AAG, on the other hand, submits that as respondents 5 and 6 have not made available the necessary amount, the payment could not be made.

5. There is no dispute to the fact that damage has been caused to the property of the petitioners during road widening and that the damage so sustained has been assessed to the tune of ₹12,71,000/- by the State authorities and, as such, the petitioners are entitled to the said amount.

6. It is immaterial who has to actually shell out the amount. It is the primary responsibility of the Deputy Commissioner of the concerned District to make the payment.

7. Accordingly, we direct respondent no.2-Deputy Commissioner, Ramban to be present in court personally on the next date along with cheque of the aforesaid amount which shall be paid to the petitioners and the Deputy Commissioner may recover it from the party concerned.

8. List on 05.05.2022.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
31.03.2022
Raj Kumar