

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

CJ Court

Case: OWP No. 1745 of 2015

Om Parkash and Another

.....Appellant/Petitioner(s)

Through :- Sh. Ajay Singh Kotwal, Advocate.

v/s

State of J&K and Others

.....Respondent(s)

Through :- Sh. Amit Gupta, AAG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
05.04.2022

01. Heard learned counsel for the parties.
02. The petitioners allege that their ancestors were the owners of 03 kanals of land falling under khasra no. 8 min and 04 kanals and 14 marlas of land falling under khasra no. 76 min situate at Village Sichal, Tehsil Kahra, District Doda.
03. The father of the petitioners donated 12 marlas of land out of 03 kanals of khasra no.8 min for the purposes of construction of a School building in the year 1972. The rest of the land of khasra no.8 min and that of khasra no. 76 min remained under the ownership of the family of the petitioners. The aforesaid remaining land without acquisition has been utilized by the Education Department for the construction of a School building and that till date petitioners have not been favoured with any compensation.

04. The petitioners have, therefore, invoked the writ jurisdiction of this court seeking a direction upon the respondents to formally acquire the aforesaid land and to pay compensation thereof.

05. The court vide order dated 29.09.2021 on consideration of the affidavit filed by the Deputy Commissioner, Doda recorded that he has clearly stated that the land in question is in possession of the Education Department and in respect thereof neither any proceedings for acquisition have been initiated nor any compensation has been paid. Accordingly, directions were issued to Commissioner/Secretary, Education Department to take steps for payment of compensation in respect of the aforesaid land within a period of four weeks.

06. When the aforesaid direction was not followed by the Commissioner/Secretary, another order came to be passed on 03.03.2022 giving the Education Department an opportunity to bring material on record to show that whether the entire land was donated by the father of the petitioners. The Education Department and other respondents have failed to bring on record any such material as directed and in the affidavit submit that no such record is traceable.

07. In the absence of any material in this regard, it is implicit that the land of the family of the petitioners has been utilized for the construction of the School building and that only 12 marals of it was donated and not the rest of it for which petitioners are entitled to compensation.

08. Sh. Amit Gupta, learned Additional Advocate General, submits that he may be allowed three months time to work out the compensation of the said land so that the same may be offered and paid to the petitioners.

09. As prayed, three month's time is allowed to the respondents to assess the compensation and the statutory interest and to pay it to the petitioners.

10. List on 25th July 2022.

11. Sh. Amit Gupta is permitted to deposit the costs of ₹ 1000/- imposed in terms of order dated 03.03.2022 with the Registry within a period of one week from today.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
05.04.2022
Sunita.

