

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

WP(C) no. 2271/2023
CM No. 5268/2023.

Sher Chand

....Petitioner/Appellant(s)

Through :- Mr. F.A. Natnoo, Advocate.

V/s

UT of J&K & ors.

....Respondent(s)

Through :-

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

ORDER
06.09.2023

Petitioner herein is an eighty years old person whose land came to be acquired by virtue of land acquisition exercise which commenced in December, 2007 resulting in passing of land acquisition award on 03.01.2011. The name of the petitioner figures as one of the owners whose land came to be acquired. Total amount of Rs. 33,69,727/- was assessed payable by the respondent no. 2 i.e., Collector Land Acquisition [Assistant Commissioner, (Revenue)], Doda. The acquisition of the land had taken place for the purpose of road construction under PMGSY Scheme which is handled by the Public Works Department, Govt. of UT of Jammu and Kashmir.

This Court is not aware as to under which dispensation the handling of PMGSY Scheme has been assigned to Public Works Department, Govt. of UT of Jammu and Kashmir but be that as it may be, it is either PMGSY or Public Works Department, Govt. of UT

of Jammu and Kashmir which were supposed to have tendered the entire compensation amount at the disposal of the Collector Land Acquisition [Assistant Commissioner, (Revenue)], Doda immediately upon passing of the award above referred.

It has taken almost more than twelve years without any amount having been tendered by PMGSY/Public Works Department to Collector Land Acquisition [Assistant Commissioner, (Revenue)], Doda despite repeated reminders going from the office of the Collector Land Acquisition [Assistant Commissioner, (Revenue)], Doda to the concerned in PMGSY Division of Public Works Department.

The citizens have lost their land for the purpose of the State in lieu of compensation. State has used the land but compensation has not been paid to the land owners. Nothing can be more sorry state of affairs than the present case in which an eighty years old person from Doda has been constrained to approach this court just for the sake of getting amount which otherwise supposed to have reached to his home on its own.

Respondent no. 3-Chief Engineer, PMGSY, Rail Head Complex, Panama Chowk, Jammu is directed to ensure that the entire award amount, whatsoever still payable from PMGSY, is deposited with the Collector Land Acquisition [Assistant Commissioner, (Revenue)], Doda within a period of one month from today. Failure to comply with the said direction will invite strict order/direction against the respondent no. 3-Chief Engineer, PMGSY, Jammu which may also involve stoppage of his salary.

Mr. Ravinder Gupta, AAG accepts notice on behalf of the respondent no. 3-Chief Engineer, PMGSY, Jammu

List again on 09.10.2023.

A copy of this order be provided to Mr. Ravinder Gupta, learned AAG for notice and compliance.

(RAHUL BHARTI)
JUDGE

JAMMU
06.09.2023
NARESH/Secy.

