

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

WP(C) No.2363/2024
CM No.5758/2024

Mohinder Sharma & Ors.

....Petitioner/Appellant(s)

Through :- Mr. O.P. Thakur, Sr. Advocate with
Mr. O.S. Bandral, Advocate.

V/s

UT of J&K & Ors.

....Respondent(s)

Through :- Ms. Aparna Gupta, Advocate vice
Mrs. Monika Kohli, Sr.AAG for R-1 to 5.
Mr. Pawan Dev Singh, Dy.AG vice
Mr. Ravinder Gupta, AAG for R-6.
Mr. Karan Singh, Advocate vice
Mr. Vipin Gandotra, Advocate for R-7.

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
(04.10.2024)

- 01.** Notice.
- 02.** Ms. Aparna Gupta, Assisting counsel appearing vice Mrs. Monika Kohli, learned Sr.AAG waives notice on behalf of respondent Nos.1 to 5, Mr. Pawan Dev Singh, learned Dy.AG appearing vice Mr. Ravinder Gupta, learned AAG accepts notice on behalf of respondent No. 6 & Mr. Karan Singh, Advocate appearing vice Mr. Vipin Gandotra, Advocate accepts notice on behalf of respondent No.7.
- 03.** Heard learned counsel for the applicants/petitioners in respect of his prayer for grant of interim relief.
- 04.** Learned senior counsel for the petitioners submits that the petitioners' land measuring 283 Kanals 7.5 Marlas comprised under different Khasra numbers, as also their 62 houses/structures situated in

village Dhalwas got totally damaged due to unplanned, careless and steep angle construction of four laning National Highway by respondent No.7 at Kms 132.740 to 133.240 Kms, pursuant to which, the petitioners' families got totally dislodged and forced to take shelter under unsafe and life threatening circumstances. Learned Senior counsel submitted that the respondents got the matter inquired through competent Committee, which confirmed the matter and immediately, package compensation amount was also assessed on account of the massive damage to the land and houses of the petitioners. He further submitted that the respondents are under a legal obligation to acquire the property of the petitioners, which has been rendered totally unworthy of use and habitation.

05. Petitioners have, accordingly, prayed for the issuance of directions for commanding the respondents to acquire the aforementioned quantum of land alongwith damaged houses under the Land Acquisition Act of 2013 in vogue. It has also been, *inter-alia*, prayed in the petition that the respondents be commanded to immediately pay package amount of Rs.29,77,95,525/-, which has been assessed by the Competent Committee constituted for the said purpose and approved by the Government in its meeting held on 26.08.2022, so that the petitioners and their families would be in a position to rehabilitate.

06. Perused the interim application supported with an affidavit and considered the submissions made by learned Senior counsel for the petitioners.

07. Learned counsel appearing for respondent No.7, i.e. National Highway Authority of India seeks time to file detailed reply and objections, which is granted.

08. List on **04.11.2024**.

09. In the meantime, subject to any vacation/modification upon the consideration of the objections/arguments and till further orders, the respondents are directed to take steps for immediate payment of package compensation amount already worked out, in favour of the petitioners and file a status report positively before this Court by or on the next date of hearing.



(Mohd. Yousuf Wani)
Judge

JAMMU
04.10.2024
Eva