

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

Case: WP(C) No. 2457/2023

CM No. 5789/2023

c/w

WP(C) No. 3047/2023

CM No. 7346/2023

WP(C) No. 3048/2023

CM No. 7347/2023

Rattan Lal

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

Through :- Mr. R. K. S. Thakur, Advocate

V/s

Collector Land Acquisition Defence
Rajouri & Ors.

....Respondent(s)

Through :- Mr. Vishal Sharma, DSGI
Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

28.11.2024.

1. Through the medium of the instant petitions petitioners herein have challenged award passed by respondent No. 1 vide order No. Coll/Def/2021/281-82 dated 29.06.2021. He is also seeking direction upon respondent No. 1 to refer the dispute to Secretary Ministry of Defence, Govt. of India, i.e., respondent No. 5 to appoint the arbitrator for deciding the dispute between the petitioner and respondent Nos. 1 and 2 with regard to the amount of compensation against three story building of the petitioner.

2. Mr. Vishal Sharma, learned DSGI has placed on record Notification dated 15.02.2022 issued by the Ministry of Road Transport and Highways, which reads as under:-

“S.O. 708(E) .- “In pursuance of sub-section (5) of Section 3G of the National Highways Act, 1956 (48 of 1956), the Central Government hereby appoints the Officers mentioned in column (2) of the Table below, to be Arbitrator for the purpose of the said

sub-section, who shall exercise the powers conferred and perform the duties imposed, on a Arbitrator by or under the said Act within the local limits of his respective jurisdiction as specified in column (3) and (4) of the said Table. Sub-Section (6) & (7) of Section-3G of the Act shall be taken into consideration while passing awards by the Arbitrator”

3. The Divisional Commissioner, Jammu has been appointed as Arbitrator in terms of Sub Section (5) of Section 3G of National Highways Act, 1956 for exercising the powers conferred and perform the duties imposed, on an Arbitrator with respect to the Revenue Districts of Jammu. The said Notification is taken on record.

4. Mr. Vishal Sharma, learned counsel for the respondents states that the relief claimed by the petitioners in all the petitions are to be referred to the Divisional Commissioner, Jammu in terms of Notification dated 15.02.2022. Learned counsel representing the petitioner, Mr. Ashok Sharma, is not averse to the preposition made by the learned counsel for the respondents.

5. Be that as it may, petitioners are directed to approach Divisional Commissioner, Jammu by filing a claim petitions with respect to the grievance being raised by the petitioners in the instant petitions in pursuance to Notification (Supra) dated 15.02.2022.

6. Disposed of.

7. Registry to place copy of this order in all the connected petitions.

(MOKSHA KHAJURIA KAZMI)
JUDGE

Jammu:
28.11.2024
Meenakshi