

Serial No. 122

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

WP(C) No. 3483/2025
CM No. 7920/2025

Virinder Kumar Gupta & Anr.

.....Petitioner(s)

Through: Mr. Amit Gupta, Sr. Advocate with
Ms. Arsha Sharma, Advocate.

Vs

Union of India & Ors.

.....Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Mr. Vipin Gandotra, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(09.12.2025)

01. The petitioners, as husband and wife, are coming forward with present writ petition under article 226 of the Constitution of India being aggrieved of the fact that despite their admitted recorded position as being the owners of the land acquired for which they came to be paid compensation for the structures existing thereupon but for the land site of 7.5 marlas in khasra No. 805 min situated in village Meen Charkan, Samba, the compensation of **Rs. 23,14,222/-** is being withheld purportedly on the count that in the revenue record related ownership column, the names of the petitioners *per se* do not figure contrary to the fact that the title document on the basis of which the petitioners came to be owners of the land in reference also created the petitioners' brother, namely, Rajinder Kumar S/o Tirath

Ram as owner of the land in the same khasra similarly acquired for which he came to be paid both for the structure as well as site.

02. In the award No. DCS/SM/DKE/22-23/261-63 dated 20.06.2022 passed by the Competent Authority, Land Acquisition Deputy Commissioner, Samba, the relevant reference related to the petitioners is at serial Nos. 43 & 44 relatable to khasra Nos. 805 & 805 min which reflects the erstwhile owners who came to be displaced by the petitioners alongwith Rajinder Kumar Gupta in terms of registered Memorandum of Family Settlement dated 30.04.2020 with respect to which mutation No. 2066 dated 04.06.2022 came to be attested but perhaps said mutation was overlooked from being taken into consideration otherwise the petitioners would have also been paid the compensation of **Rs. 23,14,222/-** for the land site as well for earning which the petitioners are now in the writ petition bearing further grievance that they have not been paid interest and solatium related to the acquisition and compensation assessed thereupon.

03. Mr. Amit Gupta, learned Senior Advocate assisted by Ms. Arsha Sharma, learned counsel for the petitioners submits that the Deputy Commissioner, Samba as being Competent Authority, Land Acquisition under National Highways Act, 1956 is having the deposit of compensation amount of **Rs. 23,14,222/-** which is generating no interest income and, thus, the deposit is lying in a mere waste, and,

therefore, the said amount be sent for deposit with the Registrar Judicial, Jammu to be kept in a fixed deposit (FD).

04. Issue notice to the respondents No. 1, 2 & 5.

05. Ms. Nazia Fazal, Assisting Counsel to Mrs. Monika Kohli, learned Sr. AAG accepts notice on behalf of the respondents No. 3, 4 & 6 and Mr. Vipin Gandotra, learned counsel on behalf of the respondents No. 1, 2 & 5.

06. Reply to the writ petition be filed within a period of four weeks.

07. List on **31.01.2026**.

08. In the meantime, respondent No. 3-Competent Authority, Land Acquisition Deputy Commissioner, Samba is directed to transfer the deposited compensation amount of **Rs. 23,14,222/-** in the name of Registrar Judicial, Jammu upon which receipt the same to be kept in fixed deposit (FD) for initial period of three months subject to periodic renewal unless and until an order to the contrary comes forth.

(RAHUL BHARTI)
JUDGE

JAMMU
09.12.2025

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