

# Ranjeet Singh And Others vs Ut Of J&K And Another on 16 November, 2022

**Author: Wasim Sadiq Nargal**

**Bench: Wasim Sadiq Nargal**

S. No. 86

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

WP(C) No. 2447/2022  
CM No. 6704/2022

Ranjeet Singh and others

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

Through: Mr. Pranav Kohli, Sr. Advocate with  
Mr. Vastav Sharma, Advocate.

Vs

UT of J&K and another

..... Respondent(s)

Through: Mr. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE  
ORDER

1. This Court vide order dated 07.02.2018 granted extension of four months time to the Arbitrator to pass an award and the period of four months was to be reckoned from the date certified copy of the order was supplied to the Arbitrator.
2. Subsequently, that order was modified to the extent that the respondent Nos. 1 to 3 were directed to extend the period of passing the award by four months from the date of receipt of certified copy of the order.
3. Pursuant thereto, a communication has been issued by the Additional District Judge, Jammu-the learned arbitrator to the Principal Secretary (Home) for seeking extension of 4 months, enabling him to give findings in the reference assigned to the court vide SRO No. 297 dated 10.08.2007 for the reasons projected in the aforesaid communication.
4. Pursuant thereto, the Under Secretary to the Government has also communicated to the Deputy Commissioner, Jammu for intimating him the steps taken for ensuring expeditious proceedings in the matter and the status of the Arbitration proceedings.

5. The Deputy Commissioner, Jammu on 25.05.2022 has also responded to the standing counsel of the Revenue Department that the status of Arbitration proceedings may be ascertained from the District Court for appraisal to the Home Department, in pursuant to the communication of the concerned standing counsel to the Deputy Commissioner, Jammu dated 06.06.2022.

6. The grievance which has been projected by the petitioners in the present writ petition is that the petitioners are seeking extension by way of writ of Mandamus, under the provisions of Requisition and Acquisition of Immoveable Properties Act, 1968 in respect of land measuring 374 Kanal 05 Marlas situated at Village, Deeli, Tehsil and District, Jammu with a further direction commanding the Court of learned Additional District Judge, Jammu to decide the Arbitration Petition within the extended period of time and pass appropriate award.

7. It has been contended by the learned counsel for the petitioners that inspite of the fact that communication has been issued to the Principal Secretary (Home), decision has not been taken till date, as a result of which the concerned Arbitrator is not in a position to proceed with the matter.

8. Mr. Pranav Kohli, learned senior counsel appearing for the petitioners along with Mr. Vastav Sharma, Advocate submits that the respondents have deliberately been delaying the matter on one pretext or the other and now when the matter is ripe for its final decision, the respondents have taken a unilateral decision of not granting any further extension.

9. It has been further contended by the learned counsel for the petitioners that the action of the respondents is arbitrary, illegal and against the canons of justice, as the same amounts to denial of justice to the petitioners in the arbitration proceedings, who have been adjudicating their case for the last one decade.

10. The further stand of the petitioners is that at no point of time the petitioners have ever shown any lapse, either in contesting and arguing the matter or in providing documentary evidence before the learned arbitrator and he further points out that the change of chair of the arbitrator may be the reason for such delay.

11. Learned counsel for the petitioners further submits that because of onslaught of Covid 19 pandemic the proceedings could not take place and with the passage of time, the extension granted by the respondents on the directions passed by this Court has also expired and, as such, he prays that the respondents be commanded to grant extension in the aforesaid arbitration proceedings.

12. On the asking of the Court, Ms. Monika Kohli, learned senior AAG has caused appearance on behalf of the respondents and she submits that she has no objection for disposal of the present case at this stage.

13. Heard learned counsel for the parties.

14. Without issuing notice to the respondents, the present writ petition can be disposed of at this stage keeping in view the peculiar facts and circumstances of the case.

15. Accordingly, the present writ petition is disposed of with a direction to the respondent No. 1 to decide the application within two weeks, positively, preferred by the learned Additional District Judge, Jammu dated 05.02.2022 for seeking extension of time of four months for concluding the Arbitration proceedings, from the date copy of writ petition along with all the annexures are made available to the respondent No. 1.

16. Disposed of.

(WASIM SADIQ NARGAL) JUDGE Jammu 16.11.2022 Sahil Padha