

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

OWP No. 1021/2008
CMP No. 1490/2008

Date of decision: 25.11.2011

Bodh Raj Khajuria. Vs. Union of India & ors.

Coram:-

Mr. Justice J. P. Singh.

Appearing counsel:

For the Petitioner(s) : Mr. Sunil Khajuria, Advocate.

For the Respondent(s) : Mr. Jatinder Choudhary, CGSC;
Mr. A. H. Qazi, AAG.

i)	Whether to be reported in Press/Media	:	Yes/No
ii)	Whether to be reported in Digest/Journal	:	Yes/No

Union of India sanctioned payment of compensation/*ex-gratia* to farmers whose crops were affected by Indian Army's movement on Indo-Pak Border during its Operation (PRAKARM).

Petitioner-Bodh Raj Khajuria's crop was also damaged in the said operation. He is stated to have received first and third installment of *ex-gratia* payment. Second installment of *ex-gratia* amount is stated to have been withheld by the respondents without any justification. He, therefore, seeks directions to the respondents for

2

release of second installment of compensation/*ex-gratia* along with interest on the withheld amount.

Petitioner's claim is contested by the respondents.

According to them, payment of *ex-gratia*/compensation was one time payment which was admissible to those who had suffered damage to their crops during Operation (PRAKARM).

Money paid by way of compensation on the second and third occasion is stated to have been released only in favour of those who were either not paid earlier or were otherwise disabled to cultivate their land because there were mines in the fields which had disabled them to use it.

According to the respondents, the petitioner was not entitled to any more amount because whatever was payable to him as compensation for the damage caused to his crops stood paid to him in the first instance itself. It is stated that the Board constituted for ascertaining damage caused to the crops of the farmers who were disabled to cultivate their land, had not found the petitioner to have been disabled to cultivate his land in any manner whatsoever and he was, therefore, not entitled to any further amount by way of *ex-gratia*/compensation.

3

Petitioner's case is stated *dis-similar* to those who were disabled to cultivate land where mines stood embedded.

The stand taken by the respondents that the petitioner was not disabled to cultivate his land *is not controverted* by placing any material on records indicating that petitioner's case too was similar to those who were paid compensation for the disablement caused to them because of existence of land mines in their fields.

The claim set up by the petitioner in his Writ Petition that he was entitled to second installment of compensation, which according to the respondents, he was not entitled to, as there were no mines in his land which would disable him to cultivate the land, has not been substantiated by the petitioner.

Found without merit, petitioner's Writ Petition is, therefore, dismissed.

**(J. P. Singh)
Judge**

Jammu:
25.11.2011
Tilak, Secy.

