



**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**RFA No. 273 of 2013 with
RFAs No. 274 & 275 of 2013**

Date of decision: 25.11.2025

1. RFA No. 273 of 2013:

General Manager, Northern Railway.

.....Appellant.

Versus

Raj Kumar & others.

.....Respondents.

2. RFA No. 274 of 2013:

General Manager, Northern Railway.

.....Appellant.

Versus

Raj Kumar & others.

.....Respondents.

3. RFA No. 275 of 2013:

General Manager, Northern Railway.

.....Appellant.

Versus

Surinder Kumar & others.

.....Respondents.

Coram

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

¹ *Whether approved for reporting?*

In all the appeals:

For the appellants:

Mr. Shiv Pal Manhans, Senior
Panel Counsel.

For the respondents:

Mr. Ajay Sharma, Senior
Advocate, with Ms. Tamanna
Sharma, Advocate.

For the respondent/State:

Mr. Manoj Chauhan and Mr.
Amandeep Sharma, Additional
Advocates General.

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*



Sushil Kukreja, Judge. (Oral)

By way of instant appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”), the beneficiary(ies) have assailed the award dated 30.09.2011, passed by learned District Judge, Una, District Una, H.P., in Land Reference No. 01 of 2008, alongwith connected cases.

2. The parties are *ad idem* that the controversy involved in the instant appeals is squarely covered by the judgment rendered by a Co-ordinate Bench of this Court in a bunch of appeals, lead being RFA No. 216 of 2013, titled General manager, Northern Railway vs. Banbari Lal & others, decided on 28.04.2017.

3. Hence, for the reasons stated in the aforesaid judgment, rendered in RFA No. 216 of 2013, the instant appeals are allowed in terms of paras 2 and 3 of the aforesaid judgment, which reads as under:

“2. It is not in dispute that instant acquisition proceedings also pertain to the very same acquisition purpose, namely, construction of broad-gauge railway line. The instant land is situate in village Hamboli, Tehsil Amb, District Una, H.P. The Reference Court has re-determined the market value of the acquired land, on the basis of exemplar award (Ex.PA). Now significantly, no evidence was led by the beneficiary, with regard to the nature, use and potential of the acquired land with that of exemplar land. No cogent reason stands ascribed, ignoring the exemplar sale deeds placed on record by the claimants. In fact, before this Court, claimants are seeking reliance upon various awards passed by the Reference Court, with respect to contiguous villages,



Chururu (Ex.P-13), Bhera & Deara (Ex.PX), wherein market value of the acquired land stands re-determined on rates which are much higher than what stands awarded to the claimants in the instant appeals.

3. ***Under these circumstances, this Court is of the considered view that the instant claimants as also the beneficiary should not be discriminated or allowed to suffer, for it is the duty of the Court to adjudicate the rights of the parties and determine the true and correct market value, in accordance with law.”***

4. As such, impugned award dated 30.09.2011, passed by learned District Judge Una, District Una, H.P., in land reference petitions in question, is quashed and set-aside, and the matters are being remanded back to the learned Reference Court with following directions:

1. Reference petitions are ordered to be revived to their original numbers and position;
2. Parties shall appear before the Reference Court on 26.12.2025;
3. It shall be open for the parties to lead evidence oral or documentary. It stands clarified that parties shall lead evidence only with respect to such of the material which stands placed before the Reference Court or before this Court;
4. Save and except official witnesses, parties undertake to produce evidence at their own responsibility; and
5. Reference Court shall decide the reference petitions afresh, as expeditiously as possible, in any event not later than 30.06.2026.



5. Learned Registrar (Judicial) shall ensure that the entire record be remitted to the learned Reference Court forthwith.

6. In view of the above, the instant appeals stand disposed of accordingly, so also pending application(s), if any.

(Sushil Kukreja)
Judge

25th November, 2025
(virender)