



State of Himachal Pradesh v. Nainde Singh

Ex.Pet No. 4 of 1991

10.1.2025 Present: Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for the DH.

Mr. Neeraj Gupta, Senior Advocate with Mr. Vedhant Ranta, Advocate, for JD.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for the intervener.

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Though Registry has not received any information with regard to deposit of the award in terms of order dated 9.1.2024, but Mr. K.D. Shreedhar, learned Senior counsel, appearing for the NHAI, on instructions states that afore amount already stands deposited with the CALA.

2 At this stage, Mr. Neeraj Gupta, learned Senior counsel, appearing for Respondent/ Judgment Debtor states that as per instructions imparted to him, interest on awarded amount of compensation has been not deposited for period starting from 11.7.2012 till the time respondent-NHAI approached this Court in the instant proceedings.

3 Learned counsel for the NHAI to have instructions and ensure that amount, if any, on account of interest, if required to be deposited, is deposited.

OMP No. 55 of 2025.

4 By way of instant application, prayer has been made by the applicant/NHAI for issuing interim direction to the CALA-cum-SDM to determine the compensation of the land/structures/ trees/ tube well etc. standing upon the



acquired land comprised of Khasra No. 163/3/1 under Section 3G of the Act of 1956 and after passing of award under the aforesaid provision of law, land may be made available to NHAI so that further work of NHAI is not hampered.

5 While putting in appearance on behalf of the Decree Holder, Mr. Rajan Kahol, learned Additional Advocate General states that all possible steps shall be taken to determine the compensation, as prayed for, expeditiously.

6 Mr. Neeraj Gupta, learned Senior Counsel, states that though Respondent/Judgment Debtor is not opposed to the prayer made in the instant application, but amount, if any, determined by CALA-cum-SDM pursuant to direction issued by this Court, may be deposited in the Registry of this Court so that same is not released till the dispute of title is settled inter-se State of Himachal Pradesh and private respondents.

7 Having heard learned counsel for the parties and perused material available on record, this court finds that there is some settlement going on inter-se State of Himachal Pradesh and private respondents qua Khasra No. 163/3/1, which otherwise stands acquired for construction of National Highway. Since Respondent/ Judgment Debtor has already given land in exchange to the State of Himachal Pradesh pursuant to decree sought to be executed in the instant proceedings, this Court is of the view that no prejudice shall be caused to either of the parties in case amount awarded by the CALA-cum-SDM in terms of prayer made in the instant application is deposited in



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the Registry of this Court, to which otherwise learned Additional Advocate General has no objection.

8 Consequently, in view of the above, present application is disposed of with direction to CALA-cum-SDM, Shimla (Rural) to determine the compensation of land comprised in afore Khasra number and pass award expeditiously, preferably, within fifteen days. After passing of the award, respondent-NHAI shall deposit the amount with the Registry of this Court.

January 10, 2025
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(Sandeep Sharma),
Judge