

**04.08.2021**

**Present:** Mr. Sudhir Bhatnagar and Mr. Desh Raj Thakur, Additional Advocate Generals with Mr. Narinder Thakur, Deputy Advocate General, for the Non-applicants/appellants/State.

Mr. Rupinder Singh Thakur, Advocate, for applicants/respondents No.1,7,8,10, 13 to 15 & 18.

**(Through Video Conferencing)**

**CMP No. 3539 of 2019**

Despite sufficient opportunities, no reply has been filed to the application and as such, this Court shall have no option but to decide the same, on the basis of material already available on record.

Having heard learned counsel representing the parties and material available on record, this Court finds that land of the applicants came to be acquired for the purpose of construction of Maryog-Narag-Dharyar Road, vide Notification under Section 4 of the Land Acquisition Act, 1894, dated 28.05.2007, but till date, they have not been paid complete payment qua compensation under Land Acquisition Act. Non-applicants/appellants by way of appeal bearing No.RFA 92 of 2015, have laid challenge to the award dated 28.8.2014, passed by learned Additional District Judge, Sirmour, District Nahan, H.P. in LAC Petition No. 14-N/4 of 2010, modifying/enhancing Award dated 19.9.2009, passed by learned Land Acquisition Collector, H.P. South Zone, Winder Field, Shimla, but since, there is no dispute with regard to

quantum of compensation coupled with the fact that 50% of award amount stands released in favour of all the similar situate claimants, this Court sees no impediment in accepting the prayer made in the instant application.

Consequently, in view of the above, this Court deems it fit to release 50% of award amount, falling in the shares of applicants/respondents No.1, 2, 6, 8, 9, 13, 14, 15, 17, 18, 19 & 20 and accordingly, Registry is directed to release 50% of compensation amount falling in the shares of aforesaid applicants/respondents by remitting the same in their saving bank accounts, details whereof have been given in (Annexure P-1, colly) annexed with the application, subject to the verification by the Accounts Branch. Ordered accordingly. Needless to say, remaining amount shall be kept in the form of FDR, till further orders. Application stands disposed of.

**(Sandeep Sharma)**  
**Judge**

**4<sup>th</sup> August, 2021**  
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