



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

RFA No. 56 of 2016

Reserved on: 16.06.2026

Date of decision: 19.06.2026

**Date of uploading on website:
19.06.2026**

Kawaljeet Singh

.....Appellant.

Versus

State of H.P., through Collector, District Shimla & others

.....Respondents.

Coram

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

¹ *Whether approved for reporting?*

For the appellant:

Ms. Ruma Kaushik and Mr. Udit
Shaurya Kaushik, Advocates.

For the respondents:

Mr. Balwinder Singh Ballu,
Deputy Advocate General.

Sushil Kukreja, Judge.

The instant appeal has been preferred by appellant-Kawaljeet Singh, who was petitioner/claimant before the learned Court below (hereinafter referred to as “the petitioner/claimant”) under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) against award dated 01.12.2015, passed by learned District Judge (Forest), Shimla, H.P. (hereinafter referred to as “the learned

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Reference Court”) in Land Reference Petition RBT No. 12-S/4 of 2015/11, whereby the reference petition filed by the petitioner/claimant under Section 18 of the Act was dismissed.

2. The brief facts of the case are that Government of Himachal Pradesh, Department of Forest, issued notification dated 09.07.2007, under Section 4(1) and 17(4) of the Act for acquisition of land comprised in khasras No. 1038, 1039, 1040, 1042 to 1048, kita 10, total land measuring 1341.57 square meter situated in Mauja Up Mohal Lakkar Bazar, Tehsil and District Shimla, H.P., part of which was owned by the petitioner. The aforesaid land was acquired for the purpose of extension of Municipal Forest Area in Shimla Town. The notification was published in State Rajpatra on 21.07.2007 and in news paper, i.e., Divya Himachal on 23.07.2007. On 15.10.2007 the Land Acquisition Collector vide award No. 4 of 2007 assessed the compensation @ Rs.25,74,179/- for the entire land and trees, i.e., Rs.800/- per square meter, by ignoring the classification and categorization and potential value of the land. The petitioner, being dissatisfied, preferred a reference petition under Section 18 of the Act before the learned



Reference Court. As per the petitioner, the potentiality of the land and its connectivity with the road was not taken into consideration. The acquired land was in sub-urban area of Municipal Corporation, Shimla and it was surrounded by commercial Hotels and residential houses, hospital, banks, school, college and government offices. The petitioner/claimant sought enhancement in the compensation amount.

3. The Reference Court, after hearing the learned counsel for the parties and after examining the entire record, dismissed the reference petition of the petitioner/claimant, being barred by limitation. Hence, the instant appeal preferred by the petitioner/claimant.

4. The learned Counsel for the appellant vehemently contended that the other similarly situated persons, who lost their land alongwith the appellant had preferred reference petitions against the award passed by the Land Acquisition Collector, dated 15.10.2007, and they got enhancement of compensation for their acquired land from Rs.800/- per square meter to Rs.1425/- per square meter, vide award passed by learned District Judge (Forests), Shimla, H.P., in Reference Petition No. 36-S/4 of



2012/08, dated 02.04.2014, therefore, she prayed that on the basis of parity, the appellant (petitioner/claimant) is also entitled to get enhancement in the amount of compensation.

5. On the other hand, the learned Deputy Advocate General for the respondents/State supported the impugned award. He contended that the learned Reference Court had passed a well reasoned award and the same does not need any interference by this Court as the reference petition was time barred.

6. I have heard the learned counsel for the appellant, learned Deputy Advocate General for the respondents and carefully examined the entire records.

7. It is not in dispute that the land comprised in Khasras No. 1038, 1039, 1040, 1042, 1043 to 1048, kita 10, total land measuring 1341.57 square meters, situated in Mauja Up Mohal Lakkar Bazar, Tehsil and District Shimla, H.P., was acquired vide notification dated 09.07.2004, the part of which was owned by the petitioner . The land Acquisition Collector assessed the compensation @ Rs.25,74,179/- for the entire land. It is also not in dispute that being aggrieved against the aforesaid award of the Land Acquisition Collector, reference petitions were filed by one



Shri Jai Chand Shyam and other similarly situated persons before the learned District Judge (Forests), Shimla, H.P., and their petitions were allowed and they were held entitled for compensation @ Rs.1425/- per square meter instead of Rs.800/- per square meter, as assessed by the Land Acquisition Collector.

8. It is also not in dispute that the land of the petitioner was also acquired vide same notification and for the same purpose and the petitioner/claimant (appellant herein) is similarly situated with the persons, who had filed the reference petitions before the learned District Judge (Forests), Shimla, H.P., and the compensation was enhanced by the reference court. However, vide impugned award dated 01.12.2015, passed by learned District Judge (Forests), Shimla, the reference petition filed by the petitioner/claimant (appellant herein) was dismissed, being time barred.

9. Now, the question which arises for consideration before this Court is as to whether the petitioner, whose petition was dismissed, as time barred, is also entitled for the same compensation, on the ground of parity, as has been granted to the similarly situated persons, vide award dated



02.04.2014, passed by learned District Judge (Forests), Shimla. This issue is no longer *res integra*, as the Hon'ble Supreme Court in a catena of judgments has held that the claimants are entitled to same amount of compensation, as has been awarded to the other land-owners on the basis of parity, but they are not entitled to seek interest on the enhanced amount of compensation and statutory amount. The Hon'ble Supreme Court in ***Ningappa Thotappa Angadi (dead) through Legal Representatives vs. Special Land Acquisition Officer & another, (2020) 19 Supreme Court Cases 599***, has held that claimant(s) are entitled to get the same compensation as the identically situated persons on the ground of parity but shall not be entitled to any interest on the enhanced compensation and statutory amount. The relevant portion of the aforesaid judgment reads as under:

"5. The present appellant(s) who was/were also aggrieved by the impugned judgment (LAO vs. Yellappa, 2008 SCC OnLine Kar 834) of the Karnataka High Court did not file the appeal alongwith other similarly situated landowners. He has come to this Court after a considerable long period seeking parity with the other ex-appropriated landowners and craves for restoration of the compensation as was awarded by the Reference Court. the short question which, thus, falls for consideration is whether the appellant(s) whose predecessor-in-interest did not assail the High Court order in respect of the land which is subject-matter of this appeal as expeditiously as the other landowners under the same acquisition, be allowed to get the same compensation despite a delay of 2928 days and if so, whether they are entitled to seek interest as well?"



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7. *We find that the issue raised in this appeal is no longer res integra. This Court in Dhiraj Singh v. State of Haryana (2014 (14) SCC 127) held that: (SCC p 131, paras 14-15)*

“14. The appellants are identically situated and there is no reason to meet out a different treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same circumstances.

15. Equities can be balanced by denying the appellants’ interest for the period for which they did not approach the court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hypertechnical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the court has to be pragmatic and not pedantic.”

(emphasis supplied)

8. *The aforesaid view has been consistently followed by this Court in a series of cases before and after the decision in Dhiraj Singh case (2014 (14) SCC 127). In Imrat Lal v. LAO (2014 (14) SCC 133), it was observed that the delay in filing the special leave petition cannot be the reason to deny just and fair compensation to the claimants. This Court observed that a liberal approach should be adopted in such like matters. In Huchanagouda v. LAO (2020 (19) SCC 236), also this Court condoned the delay and restored parity in the matter of grant of compensation though with a condition “that for the period of delay in filing and in refilling the special leave petitions, the appellant claimant(s) shall not be entitled to any interest on the enhanced compensation and statutory amount.”*

10. Therefore, in view of the aforesaid judgment passed by the Hon’ble Supreme Court, the appellant (petitioner/claimant), whose land was also acquired vide the same notification and for the same purpose, is also entitled for the same amount of compensation, as has been awarded to the similarly situated persons, who have been awarded



the enhanced amount of compensation by learned District Judge (Forests), Shimla, H.P., vide award dated 02.04.2014. In the instant case, the Land Acquisition Collector had passed Award No. 4 of 2007 on 15.10.2007, whereas, the reference petition was filed by the petitioner/claimant before the learned Reference Court on 05.10.2010, i.e., approximately after three years of the passing of the award. Therefore, the appellant (petitioner/claimant) is not entitled for the interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court.

11. In view of what has been discussed hereinabove, the instant appeal is allowed. The petitioner/claimant is held entitled to compensation @ Rs.1425/- per square meter for his land under acquisition alongwith all statutory benefits. However, the petitioner/claimant is not entitled for interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court. The appeal stands disposed of so also pending application(s), if any.

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the enhanced amount of compensation by learned District Judge (Forests), Shimla, H.P., vide award dated 02.04.2014. In the instant case, the Land Acquisition Collector had passed Award No. 4 of 2007 on 15.10.2007, whereas, the reference petition was filed by the petitioner/claimant before the learned Reference Court on 05.10.2010, i.e., approximately after three years of the passing of the award. Therefore, the appellant (petitioner/claimant) is not entitled for the interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court.

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2. The brief facts of the case are that Government of Himachal Pradesh, Department of Forest, issued notification dated 09.07.2007, under Section 4(1) and 17(4) of the Act for acquisition of land comprised in khasras No. 1038, 1039, 1040, 1042 to 1048, kita 10, total land measuring 1341.57 square meter situated in Mauja Up Mohal Lakkar Bazar, Tehsil and District Shimla, H.P., part of which was owned by the petitioner. The aforesaid land was acquired for the purpose of extension of Municipal Forest Area in Shimla Town. The notification was published in State Rajpatra on 21.07.2007 and in news paper, i.e., Divya Himachal on 23.07.2007. On 15.10.2007 the Land Acquisition Collector vide award No. 4 of 2007 assessed the compensation @ Rs.25,74,179/- for the entire land and trees, i.e., Rs.800/- per square meter, by ignoring the classification and categorization and potential value of the land. The petitioner, being dissatisfied, preferred a reference petition under Section 18 of the Act before the learned



Reference Court. As per the petitioner, the potentiality of the land and its connectivity with the road was not taken into consideration. The acquired land was in sub-urban area of Municipal Corporation, Shimla and it was surrounded by commercial Hotels and residential houses, hospital, banks, school, college and government offices. The petitioner/claimant sought enhancement in the compensation amount.

3. The Reference Court, after hearing the learned counsel for the parties and after examining the entire record, dismissed the reference petition of the petitioner/claimant, being barred by limitation. Hence, the instant appeal preferred by the petitioner/claimant.

4. The learned Counsel for the appellant vehemently contended that the other similarly situated persons, who lost their land alongwith the appellant had preferred reference petitions against the award passed by the Land Acquisition Collector, dated 15.10.2007, and they got enhancement of compensation for their acquired land from Rs.800/- per square meter to Rs.1425/- per square meter, vide award passed by learned District Judge (Forests), Shimla, H.P., in Reference Petition No. 36-S/4 of



2012/08, dated 02.04.2014, therefore, she prayed that on the basis of parity, the appellant (petitioner/claimant) is also entitled to get enhancement in the amount of compensation.

5. On the other hand, the learned Deputy Advocate General for the respondents/State supported the impugned award. He contended that the learned Reference Court had passed a well reasoned award and the same does not need any interference by this Court as the reference petition was time barred.

6. I have heard the learned counsel for the appellant, learned Deputy Advocate General for the respondents and carefully examined the entire records.

7. It is not in dispute that the land comprised in Khasras No. 1038, 1039, 1040, 1042, 1043 to 1048, kita 10, total land measuring 1341.57 square meters, situated in Mauja Up Mohal Lakkar Bazar, Tehsil and District Shimla, H.P., was acquired vide notification dated 09.07.2004, the part of which was owned by the petitioner . The land Acquisition Collector assessed the compensation @ Rs.25,74,179/- for the entire land. It is also not in dispute that being aggrieved against the aforesaid award of the Land Acquisition Collector, reference petitions were filed by one



Shri Jai Chand Shyam and other similarly situated persons before the learned District Judge (Forests), Shimla, H.P., and their petitions were allowed and they were held entitled for compensation @ Rs.1425/- per square meter instead of Rs.800/- per square meter, as assessed by the Land Acquisition Collector.

8. It is also not in dispute that the land of the petitioner was also acquired vide same notification and for the same purpose and the petitioner/claimant (appellant herein) is similarly situated with the persons, who had filed the reference petitions before the learned District Judge (Forests), Shimla, H.P., and the compensation was enhanced by the reference court. However, vide impugned award dated 01.12.2015, passed by learned District Judge (Forests), Shimla, the reference petition filed by the petitioner/claimant (appellant herein) was dismissed, being time barred.

9. Now, the question which arises for consideration before this Court is as to whether the petitioner, whose petition was dismissed, as time barred, is also entitled for the same compensation, on the ground of parity, as has been granted to the similarly situated persons, vide award dated



02.04.2014, passed by learned District Judge (Forests), Shimla. This issue is no longer *res integra*, as the Hon'ble Supreme Court in a catena of judgments has held that the claimants are entitled to same amount of compensation, as has been awarded to the other land-owners on the basis of parity, but they are not entitled to seek interest on the enhanced amount of compensation and statutory amount. The Hon'ble Supreme Court in ***Ningappa Thotappa Angadi (dead) through Legal Representatives vs. Special Land Acquisition Officer & another, (2020) 19 Supreme Court Cases 599***, has held that claimant(s) are entitled to get the same compensation as the identically situated persons on the ground of parity but shall not be entitled to any interest on the enhanced compensation and statutory amount. The relevant portion of the aforesaid judgment reads as under:

"5. The present appellant(s) who was/were also aggrieved by the impugned judgment (LAO vs. Yellappa, 2008 SCC OnLine Kar 834) of the Karnataka High Court did not file the appeal alongwith other similarly situated landowners. He has come to this Court after a considerable long period seeking parity with the other ex-appropriated landowners and craves for restoration of the compensation as was awarded by the Reference Court. the short question which, thus, falls for consideration is whether the appellant(s) whose predecessor-in-interest did not assail the High Court order in respect of the land which is subject-matter of this appeal as expeditiously as the other landowners under the same acquisition, be allowed to get the same compensation despite a delay of 2928 days and if so, whether they are entitled to seek interest as well?"



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7. *We find that the issue raised in this appeal is no longer res integra. This Court in Dhiraj Singh v. State of Haryana (2014 (14) SCC 127) held that: (SCC p 131, paras 14-15)*

“14. The appellants are identically situated and there is no reason to meet out a different treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same circumstances.

15. Equities can be balanced by denying the appellants’ interest for the period for which they did not approach the court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hypertechnical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the court has to be pragmatic and not pedantic.”

(emphasis supplied)

8. *The aforesaid view has been consistently followed by this Court in a series of cases before and after the decision in Dhiraj Singh case (2014 (14) SCC 127). In Imrat Lal v. LAO (2014 (14) SCC 133), it was observed that the delay in filing the special leave petition cannot be the reason to deny just and fair compensation to the claimants. This Court observed that a liberal approach should be adopted in such like matters. In Huchanagouda v. LAO (2020 (19) SCC 236), also this Court condoned the delay and restored parity in the matter of grant of compensation though with a condition “that for the period of delay in filing and in refilling the special leave petitions, the appellant claimant(s) shall not be entitled to any interest on the enhanced compensation and statutory amount.”*

10. Therefore, in view of the aforesaid judgment passed by the Hon’ble Supreme Court, the appellant (petitioner/claimant), whose land was also acquired vide the same notification and for the same purpose, is also entitled for the same amount of compensation, as has been awarded to the similarly situated persons, who have been awarded



the enhanced amount of compensation by learned District Judge (Forests), Shimla, H.P., vide award dated 02.04.2014. In the instant case, the Land Acquisition Collector had passed Award No. 4 of 2007 on 15.10.2007, whereas, the reference petition was filed by the petitioner/claimant before the learned Reference Court on 05.10.2010, i.e., approximately after three years of the passing of the award. Therefore, the appellant (petitioner/claimant) is not entitled for the interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court.

11. In view of what has been discussed hereinabove, the instant appeal is allowed. The petitioner/claimant is held entitled to compensation @ Rs.1425/- per square meter for his land under acquisition alongwith all statutory benefits. However, the petitioner/claimant is not entitled for interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court. The appeal stands disposed of so also pending application(s), if any.

(Sushil Kukreja)
Judge

19th June, 2026
(virender)



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

RFA No. 56 of 2016

Reserved on: 16.06.2026

Date of decision: 19.06.2026

**Date of uploading on website:
19.06.2026**

Kawaljeet Singh

.....Appellant.

Versus

State of H.P., through Collector, District Shimla & others

.....Respondents.

Coram

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

¹ *Whether approved for reporting?*

For the appellant:

Ms. Ruma Kaushik and Mr. Udit
Shaurya Kaushik, Advocates.

For the respondents:

Mr. Balwinder Singh Ballu,
Deputy Advocate General.

Sushil Kukreja, Judge.

The instant appeal has been preferred by appellant-Kawaljeet Singh, who was petitioner/claimant before the learned Court below (hereinafter referred to as “the petitioner/claimant”) under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) against award dated 01.12.2015, passed by learned District Judge (Forest), Shimla, H.P. (hereinafter referred to as “the learned

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Reference Court”) in Land Reference Petition RBT No. 12-S/4 of 2015/11, whereby the reference petition filed by the petitioner/claimant under Section 18 of the Act was dismissed.

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3. The Reference Court, after hearing the learned counsel for the parties and after examining the entire record, dismissed the reference petition of the petitioner/claimant, being barred by limitation. Hence, the instant appeal preferred by the petitioner/claimant.

4. The learned Counsel for the appellant vehemently contended that the other similarly situated persons, who lost their land alongwith the appellant had preferred reference petitions against the award passed by the Land Acquisition Collector, dated 15.10.2007, and they got enhancement of compensation for their acquired land from Rs.800/- per square meter to Rs.1425/- per square meter, vide award passed by learned District Judge (Forests), Shimla, H.P., in Reference Petition No. 36-S/4 of



2012/08, dated 02.04.2014, therefore, she prayed that on the basis of parity, the appellant (petitioner/claimant) is also entitled to get enhancement in the amount of compensation.

5. On the other hand, the learned Deputy Advocate General for the respondents/State supported the impugned award. He contended that the learned Reference Court had passed a well reasoned award and the same does not need any interference by this Court as the reference petition was time barred.

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the enhanced amount of compensation by learned District Judge (Forests), Shimla, H.P., vide award dated 02.04.2014. In the instant case, the Land Acquisition Collector had passed Award No. 4 of 2007 on 15.10.2007, whereas, the reference petition was filed by the petitioner/claimant before the learned Reference Court on 05.10.2010, i.e., approximately after three years of the passing of the award. Therefore, the appellant (petitioner/claimant) is not entitled for the interest on the enhanced amount of compensation and statutory amount for the period of delay in filing the reference petition before the learned Reference Court.

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(Sushil Kukreja)
Judge

19th June, 2026
(virender)