

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

**RFA No. 158 of 2017 with RFA
No. 227 of 2017**

Reserved on: 16.06.2026
Date of decision: 18.06.2026
**Date of uploading on website:
18.06.2026**

1. RFA No. 158 of 2017:

Collector Land Acquisition & others

.....Appellants.

Versus

Smt. Man Dassi

.....Respondent.

2. RFA No. 227 of 2017:

Collector Land Acquisition & others

.....Appellants.

Versus

Dhebe Ram & others

.....Respondents.

Coram

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

¹ *Whether approved for reporting?*

(In both the appeals)

For the appellants:

Mr. Raj Kumar Negi, Additional
Advocate General.

For the respondents:

Mr. Naveen K. Bhardwaj,
Advocate.

Sushil Kukreja, Judge.

Since the instant appeals are the offshoots of
impugned award, dated 21.06.2016, the same are taken up
together for consideration and disposal.

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

2. The instant appeals have been preferred by the appellants/State, who were respondents before the learned Reference Court (hereinafter referred to as “the appellants”), under Section 54 of the Land Acquisition Act (for short “the Act”), against award dated 21.06.2016, passed by learned Additional District Judge, Kullu, H.P. (hereinafter referred to as “the learned Reference Court”), whereby the Reference Petition No. 197 of 2014 and Reference Petition No. 198 of 2014, preferred by the petitioners (respondents herein), under Section 18 of the Act, were allowed.

3. The brief facts of the case are that vide Notification, dated 31.07.2010, under Section 4 of the Act, which was published in official gazette on 02.08.2010, the land of the petitioners and others, situated in village Khundan, Phati Bihar, Kothi Chehani, Tehsil Banjar, District Kullu, H.P., was acquired for the construction of Luhri-Aut Road in Phati Bihar. After completion of procedural formalities under Section 6, 7, 8 of the Act, notification under Section 9 of the Act was issued and the Land Acquisition Collector, as per the petitioners, without considering the objections of the petitioners and others announced Award No. 1 of 2013, dated 23.04.2013, of Phati Bihar, Kothi

Chehani, Tehsil Banjar, Kullu, H.P.. The petitioners, being dissatisfied, preferred reference petitions, wherein they sought enhancement of the compensation amount.

4. The Reference Court, after hearing the learned counsel for the parties and after examining the entire record, allowed the reference petitions and held the petitioners entitled to enhanced compensation of the acquired land @ Rs.50,000/- per biswa along with other statutory benefits, i.e., 30% solatium, additional compulsory acquisition charges under Section 23(1-A) of the Act @ 12% per annum on the enhanced market value of the land from the date of notification under Section 4 of the Act, i.e., 31.07.2010, till the date of the award, interest @ 9% per annum for one year from the date of notification under Section 4 of the Act on the enhanced amount of compensation and thereafter till the date of deposit of interest @ 15% per annum on the enhanced rate of market value. Hence, the instant appeal preferred by the appellants/State.

5. I have heard the learned Additional Advocate General for the appellants/State, learned counsel for the respondents and carefully examined the entire records.

6. The perusal of the impugned award shows that

the same has been passed on the basis of the award dated 12.05.2011, Ex. PW-1/B, wherein the value of the acquired land of the claimants therein was assessed at Rs.50,000/- per biswa and applying the ratio of the aforesaid award, the petitioners were also held entitled to compensation @ Rs.50,000/- per biswa by the Id. reference court.

7. The aforesaid award , Ex. PW-1/B, was challenged before this Court by the appellants/State, by filing ***RFA No. 256 of 2012***, titled as ***Collector Land Acquisition & others vs. Vidya Sagar***, and vide judgment dated 13.06.2018, the same (appeal filed by the appellants/State therein) was dismissed.

8. The learned Additional Advocate General for the appellants/state has placed on record instructions dated 15.06.2026, in which it has been stated that no appeal has been filed by the state against the judgment dated 13.06.2018, passed by the co-ordinate bench of this court in RFA No. 256 of 2012. Therefore, award dated 12.05.2011, Ex. PW-1/B, has attained finality.

9. Since award dated 12.05.2011, Ex. PW-1/B, has attained finality and the award under challenge in the instant appeals has been passed on the basis of the aforesaid

award, Ex. PW-1/B, therefore, the instant appeals, being devoid of merits, deserve dismissal and are accordingly dismissed.

Pending application(s), if any, shall also stand(s) disposed of.

(Sushil Kukreja)
Judge

18th June, 2026
(virender)