

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RFA No. 127 of 2015

Date of decision: 25.11.2019.

Naveen Kumar

..Appellant.

Versus

State of H. P. & Ors.

.....Respondents.

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

*Whether approved for reporting?*¹

For the Appellant:

Mr. Devender Chauhan Jaita,
Advocate.

For the Respondents:

Mr. Ashok Sharma, Advocate
General with Mr. Vinod Thakur,
Addl. A.G., Mr. Bhupinder Thakur,
Ms. Svaneel Jaswal, Mr. Narender
Thakur, Deputy Advocate Generals
and Mr. Ram Lal Thakur, Asstt. A.G.,
for respondents-State.

Mr. Vivek Negi, Advocate, for
respondents No. 2 and 3.

Tarlok Singh Chauhan, Judge (Oral)

The claimant has filed this appeal against the award passed by learned Reference Court whereby it dismissed the Reference Petition only on the ground that the claimants had led no evidence and had also not placed on record the copy of the

¹***Whether the reporters of the local papers may be allowed to see the Judgment?Yes***

sale deed or the award of the Court showing market value of land in the area to show that the adjoining land was more than what the Collector has assessed.

2. It is not in dispute that the claimants in other cases where the land was acquired in the same Chak, have been awarded compensation, therefore, the claimants cannot be denied compensation or else it would amount to invidious discrimination.

3. The parties are further *ad idem* that the controversy involved in this appeal is squarely covered by the judgment rendered by a co-ordinate Bench of this Court in **RFA No. 368 of 2014**, titled as **The Himachal Pradesh Power Corporation Limited and another vs. Narayan Singh and others**, decided on 12.10.2018 under caption Lot 'B' as well as **RFA No.455 of 2015** titled as **The Himachal Pradesh Power Corporation Limited and another vs. Kedar Singh and others** and connected matters.

4. For the reasons stated in the aforesaid judgment rendered in **RFA No.368 of 2014**, which shall be read as *mutatis mutandis* in the present case, the instant appeal is allowed in terms of paras 101 and 102 of the aforesaid judgment, which read as under:

"101. Considering entire facts and circumstances and evidence, in case 45% deduction is made in the highest

value of Rs. 4914/- then value of land will be at the rate of Rs. 2702/- per centiare, which is slightly higher than highest sale deed No.365/2004. On deduction at the rate of 50%, it would be Rs. 2457/- which is lesser than highest value in exemplar sale deed No. 365/2004. Mean of these two values will be Rs.2579/-, which is again less than the value arrived at on the basis of sale deed No. 365 of 2004. The value of land at the rate of Rs. 2702/- per centiare, arrived at after deduction of 45% is Rs. 4914/-, is slightly higher than the value of land at the rate of Rs.2631/- per centiare arrived at on the basis of highest sale deed No. 365/2004, appears to be just and fair value of land. Therefore, it would be appropriate to determine value of acquired land at the rate of Rs. 2700/- per centiare.

102. In view of above discussion, land owners in appeals in Lots 'A' and 'B' are held entitled for compensation at the rate of Rs.2700/- per centiare alongwith consequential statutory benefits under the law.”

5. Accordingly, the claimant is held entitled for compensation at the rate of Rs. 2700/- per centiare alongwith consequential statutory benefits under the law, since his case falls under lot-B captioned in the judgment referred to in para (supra).

6. The appeal stands disposed of in the aforesaid terms,
so also the pending application, if any.

25th November, 2019
(sanjeev)

(Tarlok Singh Chauhan)
Judge