

Sheila Kumari Singh Vs. State of H.P. & Ors.

Civil Revision No. 59 of 2023

05.01.2026 Present: Mr. Rakeshwar Lall Sood, Senior Advocate,
with Mr. Vidur Kapur & Mr. Sahil Chauhan,
Advocates, for the petitioner.

Mr. Manish Thakur, Deputy Advocate General,
for the respondents/State.

CMP No. 553 of 2025

Admittedly, in the case at hand, possession of the land in question was taken prior to the issuance of the Section 4 notification. The Section 4 notification, in the case at hand, was issued on 03.04.2005. The Hon'ble Apex Court, in (2010) 5 SCC 708 : (2010) SCC (Civ) 531, titled **LAO v. Karigowda**, has authoritatively held that in situations where possession has been taken prior to the issuance of a notification under Section 4(1) of the Act, the Court can direct the Collector to examine the extent of rent or damage to which the owners of the land would be entitled to. In this respect, it would be appropriate to refer to 2020 11 SCC 370, titled **Chanabasappa Vs. Karnataka Neeravari Nigam Limited and Anr.** the relevant extract whereof has been reproduced as under:

"10. In **LAO v. Karigowda & Ors.** (2010) 5 SCC 708 it has observed that no interest can be claimed for the period prior to the Section 4 notification. Where possession has been lost prior to initiation of the acquisition proceedings, the landowners can claim rent or damages before the Collector. Following observations have been made in **Karigowda supra**:

"101. As is evident from the above dictum of the Court, despite dispossession, the title continues to vest in the landowners and it is open for the landowners to take action in accordance with law. Once notification under

Section 4(1) of the Act has been issued and the acquisition proceedings culminated into an award in terms of Section 11, then alone the land vests in the State free of any encumbrance or restriction in terms of provisions of Section 16 of the Act. The court, in situations where possessions have been taken prior to issuance of notification under Section 4(1) of the Act, can direct the Collector to examine the extent of rent or damage that the owners of land would be entitled to, the provisions of Section 48 of the Act would come to aid and the court would also be justified in issuing appropriate direction. This was the unequivocal view expressed by the Court in R.L. Jain case as well. This legal question is no more open to controversy and stands settled by this Court. We would follow the view taken and accept the contention of the appellant State that the Reference Court as well as the High Court could not have granted any interest under the provisions of the Act, for a date anterior to the issuance of notification under Section 4 of the Act. However, following the dictum of the Bench in R.L. Jain case, we direct the Collector to examine the question of payment of rent/damages to the claimants, from the period when their respective lands were submerged under the backwater of the river, till the date of issuance of the notification under Section 4(1) of the Act, from which date, they would be entitled to the statutory benefits on the enhanced compensation.”

11. In Karigowda, the question came up for consideration as to interest payable on taking of possession. This Court considered various issues and observed that the decision of Larger Bench in R.L. Jain's case (supra) is binding. It has been observed that once notification under section 4(1) has been issued and the award has been passed, then only the land will vest in the State. In case its possession has been taken earlier to the issuance of notification under section 4(1) of the Act, the Court can direct the Collector to examine the extent of rent or damage that the owners of the land would be entitled to. The question of payment of rent/ damages from the period their respective lands were submerged in the backwater of the river, till the date of issuance of notification under section 4(1) from which date, they would be entitled to claim benefits on the enhanced compensation. The question of interest arises after the date of notification under Section 4 and not prior to under section 28 or 34 of the Act.”

In view thereof, the Collector, in the case at hand, at the request of the present petitioner/landholder, would be the competent authority to examine the extent of rent/damages to which the present petitioner/landholder would be entitled on account of possession having been taken prior to the issuance of the Section 4 notification, in the case at hand, in accordance with law. The

landlord/present petitioner would be at liberty to move an appropriate application before the concerned Collector, wherein the respondent would be free to take all possible objections available to them, both in law and on the merits of the matter. The Collector shall consider and dispose of the claim petition so filed for determination of rent/damages within a period of six months from the date on which the application/petition for determination of rent/damages is filed before the concerned Collector.

Application stands disposed of.

CR No. 59 of 2023

List the matter for consideration in the month of July, 2026, for balance pleas being raised in the present petition.

05th January, 2026
(Shamsh Tabrez)

(Bipin C. Negi)
Judge