

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

RFA No. 264 of 2011

Reserved on: 25.03.2026

Date of decision: 02.04.2026

Land Acquisition CollectorAppellant.

Versus

Registrar (Judicial) Administrator-General High Court of H.P.
& others.Respondents.

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

¹ *Whether approved for reporting? Yes.*

For the appellant:	Mr. Raj Kumar Negi, Additional Advocate General.
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For respondent No. 1 (Administrator)	Mr. Arjun Lall, Advocate.
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For respondent No. 2:	Mr. Bharat Bhushan, Senior Panel Counsel.
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None for respondents No. 3, 4(a) to 4(c), 4(g) to 4(j), 4(f)(i) to 4(f)(iv), 5 and 6.

Sushil Kukreja, Judge.

The instant appeal has been preferred by the appellant, who was respondent No. 1 before the learned Court below (hereinafter referred to as “the appellant”) under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) against award dated 27.12.2010, passed by learned District Judge (Forest), Shimla, H.P. (hereinafter referred to as “the learned Reference Court”), in Land Reference Petition

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

No. 5-S/4 of 1990, whereby the learned Reference Court enhanced the amount of compensation.

2. The brief facts of the case are that State of H.P., issued notification, dated 30.05.1986, under Section 4 qua acquisition of the following land for the purpose of construction of NCC Complex and NCC Bhawan, Shimla:

Sr. No.	Khasra No.	Area in square yards	Village/town	District
1.	91/1	279-4	Station Ward Boileauganj	Shimla
2.	92	75-7	-do-	-do-
3.	92/3	143-1	-do-	-do-
4.	92-4	40-5	-do-	-do-
5.	92/5	16-8	-do-	-do-
6.	92/6	1-7	-do-	-do-
7.	92/7	54-4	-do-	-do-
8.	92/8	6-0	-do-	-do-
9.	92/9	52-0	-do-	-do-
10.	92/10	1350-0	-do-	-do-
11.	522/92/11	59-4	-do-	-do-
12.	524-92	2897-4	-do-	-do-
Kitta	12	4976-8		

2(a). The above Notification under Section 4 of the Act was published in daily newspaper, i.e., Indian Express and Dainik Vir Partap, dated 09.08.1986 and 20.06.1986, respectively. After conclusion of the proceedings, as prescribed under the Act, the Land Acquisition Collector awarded total compensation of Rs.1,98,697.50 qua the fruit trees, forest trees, structure and compensation of Rs.2,09,029.20 for the acquired land. As there was a dispute qua the title, thus a reference was made by the Land

Acquisition Collector under Sections 18 and 30 of the Act.

2(b). Petitioner/claimant Lt. Col. LHM Gregory (respondent No. 1 herein) averred that land was 5835.7 square yards, whereas the Land Acquisition Collector had wrongly awarded compensation for 4976.8 square yard. At the time of the issuance of the notification under Section 4 of the Act, the market value of the acquired land was Rs.1500/- per square yard. The compensation for the forest trees @ Rs.10,000/- per tree was claimed. The claimant further averred that Mrs. E.A. Lisbey had executed a Will in his favour and the entire compensation was payable to him. It was also averred that no Will was executed in favour of Smt. Sundri Devi by Mrs. E.A. Lisbey, thus respondents No. 3 to 6, i.e., Shri Sant Ram, Shri Mansa Ram, Shri Sita Ram and Shri Jagdish Chand (proforma respondents No. 3 to 6 herein) had no right title or interest over the property in question.

3. The learned Reference Court allowed the petition of the petitioner/claimant and held him entitled for enhanced compensation at the rate of Rs.411/- per square yard alongwith all statutory benefits. Hence, the appellant/Collector preferred the instant appeal under

Section 54 of the Act with a prayer to quash and set-aside the impugned award dated 27.12.2010, passed by the learned Reference Court.

4. Learned Additional Advocate General contended that the learned Reference Court has failed to appreciate the evidence in its right and true perspective and entirely based its findings on sale deeds, Ex. PW-2/A and Ex. PW-2/B, which, apparently do not pertain to the year 1986, when notification under Section 4 of the Act was issued. He further contended that the impugned award is also against the facts and law, thus the same deserves to be set-aside. He also contended that the impugned award is the result of surmises and conjectures, therefore, the same be set-aside by the allowing the instant appeal.

5. Conversely, learned counsel appearing for the respondent No. 1, raised a preliminary objection to the maintainability of the appeal. The learned counsel contended that as the appellant had passed award acting as a quasi judicial authority, he is not competent to maintain the present appeal and the same is liable to be dismissed on this count.

6. I have heard the learned Additional Advocate

General for the appellant, learned Counsel/Senior Panel Counsel for respondents No. 1 and 2, respectively, and also carefully examined the records.

7. The perusal of the memo of parties before the learned District Judge (Forests) read as under:

“Ld. Col. LHM Gregory, son of late Harry Charlas Stephan Gregory, presently resident 48, Elm Grove, London SE-15, DE, UK through his General Attorney Shri Kamaljit Singh Grewal 169, Sector 11-A, Chandigarh.

.....Petitioner.

Versus

***1. Land Acquisition Collector (SDM), Shimla (Urban).
2. Union of India through Secretary, Ministry of Defence to the Government of India, New Delhi.
3. Shri Sant Ram.
4. Shri Mansa Ram.
5. Shri Sita Ram.
6. Shri Jagdish Chand,
Respondents 3 to 6 residents of Dunloe Estate, Boileauganj, Shimla – 171 005.***

.....Respondents.”

8. The impugned award passed by learned District Judge (Forest), dated 27.12.2010, has been challenged under Section 54 of the Act before this Court by Land Acquisition Collector (SDM), Shimla (Urban) (hereinafter referred to as the “Collector”). It is a settled position of law that an adjudicating authority which exercises quasi judicial powers and discharges quasi judicial functions cannot in the absence of any specific conferment of power, challenge an

order passed by the Appellate Authority. Therefore, in the opinion of this Court, Collector has no locus standi to challenge the award passed by learned Reference Court setting-aside his order and the appeal filed by the Collector is *per se* not maintainable, as the Collector was the *quasi judicial* authority, which passed award in Case No. 7/86, in April, 1989, and the same was assailed by respondent No. 1, i.e., Lt. Col. LHM Gregory before the learned Reference Court (District Judge, Forest) which set aside his award.

9. In ***Mohtesham Mohd. Ismail Vs Special Director, Enforcement Directorate and another [(2007) 8 SCC 254]***, the question considered by the Supreme Court was whether a Special Director appointed under the Foreign Exchange Regulation Act, 1973 himself can prefer appeal under Section 54 of the said Act before the High Court, against an order passed by the Foreign Exchange Regulation Appellate Board. The Apex Court held as under:

"16. An adjudicating authority exercises a quasi judicial power and discharges judicial functions. When its order had been set aside by the Board, ordinarily in absence of any power to prefer an appeal, it could not do so. The reasonings of the High Court that he had general power, in our opinion, is fallacious. For the purpose of exercising the functions of the Central Government, the officer concerned must be specifically authorized. Only when an officer is so specifically authorized, he can act on behalf of the Central Government and not otherwise. Only because an officer has been appointed for the purpose of acting in terms of the provisions of the Act, the same would not by itself entitle an officer to discharge all or any of the

functions of the Central Government. Even ordinarily a quasi-judicial authority cannot prefer an appeal being aggrieved by an dissatisfied with the judgment of the appellate authority whereby and whereunder undefined its judgment has been set aside. An adjudicating authority, although an officer of the Central Government, should act as an impartial tribunal. An adjudicating authority, therefore, in absence of any power conferred upon it in this behalf by the Central Government, could not prefer any appeal against the order passed by the Appellate Board."

10. Thus, applying the principles laid down in the decision referred to above, it has to be necessarily held that the Collector who passed the award, is not competent to maintain the present appeal. The Collector being a quasi-judicial authority could not have a locus standi to challenge the order of the learned Reference Court which set aside his order. The Collector was an adjudicatory authority who exercised power of quasi-judicial nature to determine the *lis*. He himself could not have claimed any litigative interest in the subject matter. The statutory Authority which functions as Adjudicating Authority and discharges quasi-judicial powers, cannot claim for itself either a locus standi or a litigative interest to challenge the order of the Reference Court which considers its own order. The Collector having acted in his capacity as *quasi-judicial authority* cannot be allowed to become a judge in his own cause and be permitted to challenge the award of learned Reference Court

which had set-aside the order passed by it.

11. Hence, in view of my aforesaid discussion, the appeal, having been filed by the Collector, who happened to be authority whose order was set-aside in terms of the award under challenge, is not maintainable and the same is liable to be dismissed on this point alone. As the preliminary point is held in favour of the respondent, no further aspects are required to be gone into. Therefore, the appeal is dismissed being not maintainable.

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

(Sushil Kukreja)
Judge

2nd April, 2026
(virender)