

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RFA No. 91 of 2018
Reserved on: 21.11.2025
Decided on: 28.11.2025

Land Acquisition Collector HPPWD & others ...Appellants.

Versus

Sh. Balbir Singh ..Respondent.

Coram

Hon'ble Mr. Justice Romesh Verma, Judge.

***Whether approved for reporting?*¹**

For the appellants: Mr. R.S.Verma, Additional Advocate General.

For the respondent: Mr. Rakesh Thakur, Advocate.

Romesh Verma, Judge

The present appeal arises out of the award, passed by the Additional District Judge-I, Solan, District-Solan, H.P. in Reference Petition No. 10-NL/4 of 2011 camp at Nalagarh dated 05.10.2016, whereby, the Reference Petition preferred by the claimant/respondent was allowed.

2. The facts of the case are that land of the claimant/respondent was acquired by the State/appellants by issuing Notification dated 25.07.2007 issued under Section 4(1) of the Land Acquisition Act (for short Act) published in two daily newspapers. The Notification under Sections 6 and 7 of the Act was issued on 23.07.2008 and it was also published in HP Rajpatra on 28.07.2008. The possession of the land was taken

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



by the HPPWD for the construction of Pinjore-Baddi-Nalagarh-Swarghat Road-21 A.

3. The Land Acquisition Collector, HPPWD (South Zone) Winter Field, Shimla passed award No. 5/2010 dated 05.04.2010 and the amount was ordered to be paid as per classification of the land in the following rates:-

Lehadi Barani : Rs. 14,48,128/- per bigha

Tala Awal Barani : Rs. 13,20,352/- per bigha

Tala Doyam Barani: Rs. 5,32,400/- per bigha

Changer Awal Barani: Rs. 4,68,512/- per bigha

Changar Doyam Barani: Rs. 2,65,552/- per bigha

Banjar Kadem and gair mumkin: Rs.1,70,368/- per bigha

4. The LAC awarded total compensation including solatium and interest for land measuring 2-9-19 bighas amounting to Rs.11,04,954/-and particularly to respondent it was Rs. 25,555/-.

5. Feeling aggrieved, the claimant/respondent preferred Reference Petition No. 10-NL/4 of 2011 and vide its award dated 05.10.2016, the reference Court allowed the reference petition and passed award by directing the State/appellant to pay the enhanced market value of the acquired land of the claimant/respondent for a sum of Rs. 15,00,000/- lakh per bigha instead of what was assessed by the Land Acquisition Collector



vide its award dated 05.04.2010 with costs of the petition. Further it has been ordered that the claimant/ respondent shall also be entitled to all statutory benefits under Section 23(1-A) of the Act and interest as under:-

(a) Compulsory acquisition charges (solatium) at the rate of 30% on the enhanced amount of market value.

(b) Additional compulsory acquisition charges under Section 23(1-A) of the Act at the rate of 12% per annum on the enhanced market value of the land from the date of notification under Section 4 of the Act, i.e., 25.07.2007 till the date of award.

(c) Interest payable at the rate of 9% per annum for one year from the date of notification under Section 4 of the Act on the enhanced amount of compensation of the market value and on the amounts of column Nos. 1 and 2.

(d) Thereafter till the date of deposit interest at the rate of 15% per annum on the enhanced rate of market value and on the amounts of column Nos. 1 & 2.

6. Feeling aggrieved by the award, passed by the Reference Court on 05.10.2016, the State has preferred the present appeal challenging the award on various grounds.

7. It will be pertinent to mention here that out of the award, which was passed by the reference Court on 5.10.2016, six appeals were preferred by the State. These appeals were RFA



No.50 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Shri Vikram Singh & others***, RFA No.51 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Shri Naveen Kumar & another***, RFA No.53 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Shri Maghi***, RFA No.54 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Shri Baldev Singh***, RFA No.55 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Smt.Shanti Devi*** and RFA No.56 of 2018, titled ***Land Acquisition Collector, H.P. PWD South Zone, Winter Field, Shimla, H.P. & others Versus Shri Rattan Lal & others***.

8. The said appeals came up for consideration before this Court on 5th September, 2018 and the following order was passed:-

“3. It is not in dispute that appeal arising out of similarly situated claimants, as also very same acquisition proceedings, arising out of very same notification under Section 4 of the Act, stands decided by this Court vide judgment dated 08.08.2018, passed in RFA No.26 of 2016, titled as Collector Land Acquisition, H.P.P.W.D., & others vs. Harbans Singh, alongwith other connected matters. The present appeals are squarely covered by the said decision, for the issues involved are identical. This fact is not disputed. As such, the present appeals stand disposed of, in terms of the 4 said judgment. Directions issued in Harbans Singh



(supra) shall *mutatis mutandis* apply to the instant cases also. Pending application(s), if any, also stand disposed of accordingly.”

9. Since the connected appeals arising out of the same award dated 05.10.2016 were disposed off in terms of judgment dated 05.09.2018 and it has been pointed out by learned Additional Advocate General that case is squarely covered by the said judgment and this fact has been admitted by learned counsel for the respondent/claimant that the present appeal is squarely covered by the said decision and the issues involved are identical, therefore, the present appeal is disposed off, in terms of the judgment as passed by this Court in RFA No. 50 of 2018, which was disposed off in view of the judgment passed in RFA No. 26 of 2016, titled as Collector Land Acquisition, H.P.P.W.D. & others vs. Harbans Singh decided on 08.08.2018. The directions as passed in RFA Nos. 50 of 2018 and 26 of 2016 shall *mutatis mutandis* apply to the instant case also.

9. Pending miscellaneous application(s), if any, also stand disposed off accordingly.

(Romesh Verma)
Judge

November 28, 2025
(Nisha)