

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA No. 810 of 2025****Date of decision: 07.05.2026**

State of H.P. & Ors.	...	Appellants
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Versus

Pyare Lal	...	Respondent
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The Hon'ble Mr. Justice G. S. Sandhwalia, Chief Justice.***The Hon'ble Mr. Justice Bipin C. Negi, Judge.****Whether approved for reporting?***For the Appellants:** Mr. Arsh Rattan, Deputy Advocate General.**For the Respondent:** Mr. Anirudh Sharma, Advocate.

G. S. Sandhwalia, Chief Justice (Oral)

Consideration in the present appeal is sought to the judgment passed by the learned Single Judge in ***CWP No. 2071 of 2021, titled as Pyare Lal vs. State of H.P. & Ors.***, decided on 27.11.2024, whereby on account of utilization of the land of the petitioner for the construction of the road, namely, '*Jawra Kainchi to Dhrial from Bathalag to Palog*', the directions were issued to initiate acquisition proceedings under the relevant statute vis-a-vis land of the petitioner within four weeks, on account of the fact that the same had been utilised for the public purpose.

2. The learned Single Judge relied upon various judgments to grant the said relief i.e. ***Vidya Devi v. State of HP and Ors., (2020) 2 SCC 569*** and ***Sukh Dutt Ratra and***

Anr v. State of Himachal Pradesh and Ors, (2022) 7 SCC 508. While rejecting the claim of the State, which was based on **State of Maharashtra vs. Digambar, 1995 (4) SCC 683**, the learned Single Judge placed reliance upon the provisions of Article 300-A and the judgments of the Apex Court in **State of Himachal Pradesh vs. Umed Ram Sharma (1988) 2 SCC 68** and **Hari Krishna Mandir Trust vs. State of Maharashtra & Ors., (2020) 9 SCC 356**, the aforesaid directions have been issued.

3. Learned counsel for the State has argued that the writ petition was filed at a belated stage, therefore, the learned Single Judge was not correct in issuing necessary directions.

4. We have gone through the writ record. Perusal of the same would go on to show that the specific case as such of the writ petitioner was that he is co-owner of the land situated at Mohal Dhrial, Hadbast No. 485, Tehsil Arki, District Solan, Himachal Pradesh and the road had been constructed in the year, 2010 by using public fund and no compensation was granted. The civil suit had been filed by one Ghanshyam Verma against him on the ground that he had started construction of the house and obstructed the road as such by stacking material. It has also been mentioned that **CWP No. 88 of 2020** titled as **Dinesh Thakur vs. State of H.P. & Ors.**, was decided on 21.09.2020 (Annexure P-4) in which he was arrayed as

respondent No. 5 and directions were issued as such to remove the material put on the road and clear the obstruction within the stipulated period of three days and liberty was given in case he proves to be the owner of the property, to file necessary petition/application for damages etc. before competent Court.

The relevant portion reads as under:-

“5. In view of the above, we dispose this petition with a direction to respondent No.5 to clear the road within three days from 22.09.2020 and report compliance to the Registry of this Court. Respondent-Government is also directed to see that respondent No.5 has cleared the obstruction within the time stipulated. However, liberty is reserved to the petitioner to file memo in case respondent No.5 fails to clear the obstruction. Liberty is also reserved to respondent No.5, in case he proves to be the owner of the property on which the respondent-4 Government has laid road, to file necessary petition/application for damages etc. before competent Court.”

5. Apparently, in such circumstances, the writ petition thereafter came to be filed in the year, 2021 and, therefore, we are of the considered opinion that there is no delay as such as the legal proceedings were already pending. The stand of the State is self defeating that the petitioner is enjoying the facility of the road since its construction and keeping in view the limited financial resources of the State, the land owners were aware of the donation of the land for the construction of the road, since it was a rural link road and the State had to construct the road under PMGSY and other

schemes. It is, thus, not disputed that the State itself has taken the plea that the land had been utilised without following the procedure and, therefore, the learned Single Judge has rightly directed the initiation of the acquisition proceedings.

6. The settled position of law has been laid down in ***Civil Appeal No.(s) 3189 of 2022, Kalyanai (Dead) through LRs and others vs. The Sulthan Bathery Municipality and others***, wherein the Apex Court was dealing with the similar situation, wherein, land had been utilized for construction/ widening of bypass road and the landowners had been given assurance that they would get adequate compensation for their land utilized. The Supreme Court held that the onus as such could not be shifted on the land owners qua the donation aspect which had been done by the High Court in that case.

7. The filing of these appeals by the State has also been deprecated by the Apex Court in ***SLP (Civil) No. 49057 of 2024*** titled ***The State of HP and others vs. Upender Kumar*** decided on 22.11.2024 which had arisen out of the judgment in ***LPA No. 54 of 2017*** titled ***State of Himachal Pradesh and others vs. Upender Kumar*** decided on 27.03.2024, wherein the Apex Court while dismissing the SLP noticed that the exemplary costs are liable to be imposed. The said order reads as under:

“Delay condoned.

2. We have come across several matters wherein the State of Himachal Pradesh has challenged the orders passed by the Division Bench of the High Court of

Himachal Pradesh, thereby directing the compensation to be paid to the respondent(s).

3. The writ petitioner(s) has approached the High Court with a grievance that though the possession of their lands were taken for road construction, they did not receive compensation.

4. By the impugned judgment and order, the High Court has held that the State cannot take possession of citizen land without paying the compensation.

5. Although the right to property is no longer considered a fundamental right, it is still a constitutional right. The State cannot be permitted to acquire citizen land without paying appropriate compensation.

6. In these circumstances, it would have been justified in dismissing the special leave petition(s) with exemplary cost. However, we refrain from doing so now and simply dismiss these special leave petitions.

7. Pending application(s), if any, stand(s) disposed of.”

8. Recently, the Apex Court has dismissed the **SLP No. 20577 of 2025, State of Himachal Pradesh & Ors vs. Prashant Gupta**, decided on 29.05.2025 against the order passed on 20.09.2024 by this Court, arising out of **LPA No. 291 of 2024**, titled **State of Himachal Pradesh & Ors vs. Prashant Gupta**, decided on 20.09.2024 wherein the Coordinate Bench as such had held that in view of Article 300A of the Constitution, the plea of oral consent and delay and laches could not be raised as it was a continuing cause of action.

9. In **Letters Patent Appeal No. 68 of 2025, State of H.P. and others vs. Charan Dass** decided on 01.03.2025 and **Letters Patent Appeal No.183 of 2025**, titled as **State of H.P. & Ors. vs. Amar Singh** decided on 21.04.2025, we have given detailed reasons as such, as to why no ground is made out to interfere in such matters, keeping in view the law settled by the Apex Court.

10. Therefore, for the foregoing reasons, we are of the considered opinion that there is no plausible reason to interfere with the judgment passed by the learned Single Judge.

11. Resultantly, we do not find any illegality and infirmity in the order passed by the learned Single Judge, directing to initiate acquisition proceedings.

12. Accordingly, the appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

7th May, 2026
(sanjeev)