



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.659 of 2023

Date of Decision : 24.11.2025

State of Himachal Pradesh and another

..... Petitioner

Versus

Yoginder Pal @ Joginder Pal Kapoor and others

.....Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioners : Mr. Diwakar Dev Sharma, Additional Advocate General.

For the respondents : Mr. G.R. Palsra, Advocate, for respondents No.1 and 3.

None for respondent No.2.

Bipin Chander Negi, Judge (oral)

Heard learned counsel for the parties. Perused the records, impugned orders and the documents appended along-with the present petition.

2. The property of Smt. Mastu Devi (predecessor-in-interest of the present respondents) was illegally occupied by the Forest Department on 01.01.1970. A Civil Suit was filed by Smt. Mastu against the Forest Department which was allowed vide judgment dated 01.10.1988 and a



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decree for possession was passed. Qua 36.72 Square meters of land owned by Smt. Mastu (predecessor-in-interest of the respondents), notification was issued on 15.05.1990 under Section 4 of the Land Acquisition Act, 1894 and award was passed against the petitioner, on 27.02.1999 by the Land Acquisition Collector.

3. Feeling aggrieved by the same, a Reference Petition was filed, which was decided on 01.10.1996. The appeal preferred there from before a Coordinate Bench of this Court was decided on 12.09.2006.

4. Since, in the case at hand, possession of the land in question (land acquired) was taken over on 01.01.1970, hence, till the issuance of the notification on 15.05.1990 under Section 4 of the Land Acquisition Act, 1894, while disposing of the appeal bearing RFA No.81 of 1997, decided on 12.09.2006, a Coordinate Bench of this Court had directed that the respondents herein would be at liberty to raise claim for rent or damages for use of property prior to the date of acquisition, i.e., 01.01.1970 to 15.05.1990 and the Collector was to decide the dispute after recording of evidence, in accordance with law.

5. In furtherance of the aforesaid direction, appropriate proceedings for determination of rent had been initiated at the behest of the present respondents. Summons in pursuance thereto were issued to the District Forest Officer, Mandi who during the proceedings was proceeded against ex parte on 14.06.2016. The respondents, herein had adduced evidence to prove their claim of damages for a period w.e.f. 01.01.1970 to 15.05.1990. From a perusal of Annexure P-7, order dated



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12.10.2015 attached with the present petition, it is evident that the District Forest Officer, Mandi after recording of evidence of the respondents, has not determined the issue of rent/damages to which the respondents herein would be entitled for use of property by the present petitioner from 01.01.1970 to 15.05.1990.

6. In view thereof, present petition is allowed. Annexure P-7, i.e., order dated 12.10.2015 passed by the Collector Sadar Sub Division, Mandi is quashed and set aside.

7. The matter is remanded back to the Collector Sadar Sub Division, Mandi for adjudication of the claim for rent or damages of the property possession whereof was taken by the present petitioner w.e.f. 01.01.1970 and the notification under Section 4 of the Land Acquisition Act was issued on 15.05.1990. Since the evidence in this respect stands adduced by the present petitioner before the Collector Sadar Sub Division, Mandi, all that has to be done is that post consideration of the material existing on record, fresh order needs to be passed.

8. The parties are directed to appear before the Collector Sadar Sub Division, Mandi on **15.12.2025**. Thereafter, the proceedings be completed within a period of three months from 15.12.2025.

The pending miscellaneous application(s), if any, shall also stand disposed of.

November 24, 2025 (KS)

(Bipin Chander Negi)
Judge