



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CMPMO No. 644 of 2024
Decided on: 07.07.2025

State of H.P. and others petitioners
 Versus

Mani Ram
respondent

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting? ¹

For the petitioners : Mr. B.N. Sharma, Additional Advocate General.

For the respondent : Mr. B.M. Chauhan, Sr. Advocate, with Ms. Kamakshi Tarlokta, Advocate.

Bipin Chander Negi, Judge (oral)

Heard counsel for the parties. Perused the petition and documents appended thereto.

2. The original award bearing No. 17/87 in respect of Mohal Prali, Tehsil Kot-Khai, District Shimla H.P. for construction of "Daulat Ram Chauhan" road was passed on 19.8.1997. However, at the time of said determination, no compensation in respect of fruit bearing tress standing over the acquired land was determined on account of non-availability of the valuation report.

3. In the aforesaid facts and attending circumstances, land owners filed a writ petition before the Hon'ble High Court, which was decided on 28.6.2007, whereby the Hon'ble High

¹ Whether the reporters of the local papers may be allowed to see the judgment?



Court directed the land acquisition collector to announce a supplementary, qua tress on the land acquired on or before 30.11.2007. In pursuance to the aforesaid direction, supplementary award bearing No. 25 of 2007 dated 20.8.2007 was passed by the Land Acquisition Collector HPPWD South Zone Winter Field Shimla-3.

4. The aforesaid award was assailed by way of filing a land reference bearing No. 22-S/4 of 2016/10, the same was instituted on 20.9.2010 and was decided on 31.1.2017. In the aforesaid reference, the following relief was granted, which is being reproduced here-in-below:-

“23. In view of my findings on all issues above, the petitioner Mani Ram S/o Sh. Mahanu Ram is held to be entitled for compensation of Rs.16,272/- on account of value of fruit trees. The Land Acquisition Collector is directed to pay the aforesaid amount of compensation along with statutory benefits as granted by Hon'ble High Court in RFA no. 136 of 2002 Ext. PW-4/D from the date of publication of notification under Section 4 i.e. 07.09.1996. The file after its due completion be consigned to the record room”.

5. RFA No. 136 of 2002, a reference whereof has been made in the relief granted in reference petition No. 22-S/4 of 2016/10 filed by the present respondent was decided in the aforesaid terms being reproduced here-in-below:-

“Accordingly, the award is modified to the extent that the respondents shall be entitled to the benefits u/s 28 only from the date of publication of the notification i.e. 7.9.1996 instead of 1.12.1989. The respondents shall also be entitled to the statutory interest as envisaged u/s 23(1-A) of the Act from the date of publication of the notification dated 7.9.1996. Needless to add, the compensation, due and payable to the respondents, in accordance with law, has to be



determined on the basis of the ratio of law laid down by the Apex Court in Sunder (supra). All the appeals are disposed of accordingly.”

6. In pursuance to the judgment dated 31.1.2017 passed by the reference Court in 22-S/4 of 2016/10 filed by the present respondent, an appropriate execution proceedings were initiated by the present respondent. In the execution proceedings, a dispute arose with respect to the amount calculated and deposited by the judgment debtors/present petitioners. The judgment debtors had deposited Rs.45,500/-, whereas according to the decree holder/present respondent, the enhanced amount was equal to Rs.1,53,164/-, hence, there was a deficit of Rs.1,07,664/- in the amount deposited by the judgment debtors.

7. The rejection of the calculations put forth by the judgment debtors/petitioners in the case at hand and acceptance of the calculation put forth by the present respondent/decreed holders by the Executing Court vide order dated 9.11.2023 is the reason as to why the present petition had been filed laying a challenge to the impugned order dated 9.11.2023.

8. Learned counsel for the respondent submits that the disputed amount of Rs.1,07,664/- was deposited before the Executing Court on 26.6.2024. It is further submitted that vide order dated 22.10.2024, the Executing Court had ordered the release of the said amount in favour of the respondents.



9. From a perusal of the impugned order, it is evident that the present petitioners/judgment debtors have calculated the amount under Section 23(1)(a) of the land acquisition act from the date of notification under Section 4 i.e. 7.9.1996 till the date of the original award i.e. 19.8.1997 and not up to the date of the supplementary award dated 20.8.2007.

10. Interest at the rate of 9% per annum under Section 28 of the land acquisition act has been correctly calculated from the date of Section 4 notification i.e. 7.9.1996 to 6.9.1997 (for one year) and thereafter 15% per annum has been correctly calculated from 7.9.1997 up to 31.3.2018.

11. Besides the aforesaid, no infirmity has been pointed out in the calculation made by the Executing Court in terms of relief granted by the Reference Court vide judgment dated 31.1.2017, therefore, the present petition being devoid of any merit is dismissed.

Pending miscellaneous applications, if any, also stands disposed of.

(Bipin Chander Negi)
Judge

July 07, 2025
Gaurav