

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Review Petition No.38 of 2026

Date of Decision: 04.05.2026

State of Himachal Pradesh & othersPetitioners

Versus

Prem Lal & another ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioners: Mr. Rajan Kahol & Mr. Vishal Panwar,
Additional Advocate Generals with Mr.
Ravi Chauhan & Mr. Anish Banshtu,
Deputy Advocates General.

For the Respondents: Mr. Anshul Gandhi, Advocate vice Mr.
C.N.Singh, Advocate.

Sandeep Sharma, Judge(oral):

CMP(M) No.2249 of 2025

Despite opportunity, no reply to the application has been filed.

2. Having carefully perused the averments contained in the application, which is duly supported by an affidavit, this Court is convinced and satisfied that delay in maintaining the accompanying petition is neither intentional nor deliberate, rather same has occurred on the account of the lengthy administrative process and as such, delay of 471 days in filing the petition, which in my considered view

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

has been sufficiently explained, is condoned. The petition be registered. The application stands disposed of

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3. By way of present Review Petition filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, prayer has been made on behalf of the review petitioners to review and recall the judgment dated 23.05.2024 passed by this Court in CWP No. 4360 of 2020, titled **Prem Lal & others vs. State of Himachal Pradesh and another**, whereby direction came to be issued to the review petitioners to initiate acquisition proceedings within a period of four weeks qua the land of the respondents used for construction of the road.

4. Precisely, the grouse of the review petitioners is that this Court, while issuing direction for acquisition of land, has not specified which of the land is to be acquired. As per the respondents, land comprised in Khasra Nos. 166 and 169 has been used for construction of road, whereas as per review petitioners, only land comprised in Khasra No.166 to the extent of 0-15-00 has been utilized for construction of the road and as such, respondents are entitled to compensation qua the same only.

5. Having taken note of concluding para of the judgment, sought to be reviewed, whereby direction came to be issued to the

review petitioners to initiate acquisition proceedings, this Court finds force in the submission of learned Additional Advocate General that no specific direction has been issued for acquisition of land comprised Khasra Nos. 166 and 169, whereas the respondents are insisting to pay compensation qua both the aforesaid Khasra numbers on the ground that same have been used for construction of the road.

6. Be that as it may, learned counsel representing the parties fairly state that the dispute, otherwise sought to be decided in the instant review petition, can be adjudicated by issuing direction to the revenue authorities of the area concerned to visit the spot and verify which of the land belonging to the respondents has been utilized for construction of road and in case, land comprised in Khasra No. 166 and 169 is found to be utilized, acquisition proceedings qua the same may be initiated, but in case land comprised in Khasra No.166 is only found to be utilized for construction of road, review petitioners may initiate proceedings for acquisition of the same only. Ordered accordingly.

7. In view of above, judgment, sought to be reviewed, is modified to the aforesaid extent only. Pending applications, if any, are also disposed of.

**(Sandeep Sharma),
Judge**

May 04,2026
(shankar)