

ITEM NO.105

COURT NO.8

SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7116 OF 2000

MADHO RAM SHARMA & ORS.

Appellant (s)

VERSUS

LAND ACQ. COLLECTOR H.P.P.W.D. & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 21/07/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE DR. JUSTICE MUKUNDKAM SHARMA

For Appellant(s)

Mr. Sachin Jain, Adv.
Mr. Sanjai Singh, Adv.
Mr. Ugra Shankar Prasad, Adv.

For Respondent(s)

State of H.P. Mr. Naresh K. Sharma, Adv.

Mr. Anil Nag, Adv. (NP)

UPON hearing counsel the Court made the following
ORDER

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Neeru Bala Vij)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7116 OF 2000

MADHO RAM SHARMA & ORS.

Appellant(s)

Versus

LAND ACQ. COLLECTOR H.P.P.W.D. & ORS.

Respondent(s)

ORDER

We have heard learned counsel for the parties.

This appeal by special leave is directed against the
judgment and order dated 20th December, 1999 passed by the
High Court of Himachal Pradesh, Shimla in R.F.A. No.199 of

1993 whereby the Division Bench of the High Court partly allowed the Regular First Appeal against the appellants.

Learned counsel for the appellants submits that this case is squarely covered by the decision of this Court in Ishwar Dutt versus Land Acquisition Collector & Anr. reported in 2005 (7) SCC 190. He submits that the land of the appellants was also the subject matter of the same Notification which was there in the Ishwar Dutt's Case and the possession was also taken in the year 1968.

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We see no reason why the appellants should not get the same benefit which has been extended in the case of Ishwar Dutt (supra). Consequently, we set aside the impugned judgment of the High Court and confirm the order dated 6.1.1993 of the District Judge, Solan.

The appeal is allowed and disposed of leaving the parties to bear their own costs.

.....J.
(DALVEER BHANDARI)

.....J.
(DR. MUKUNDAKAM SHARMA)

New Delhi,
July 21, 2009