

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 4972 of 2021

Decided on: 23.12.2025

Sh. Ajit Singh Rana and others

... Petitioners

Versus

Union of India and others

... Respondents

Coram**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****Whether approved for reporting?¹ Yes**

For the petitioner : Mr. B.P. Sharma, Senior Advocate
with Mr. B.R. Sharma, Advocate.

For the respondents : Mr. Deepak Thakur and Mukul
Sharma, Advocates vice Mr. Vir
Bahadur Verma, Advocate for
respondent No. 1.

: Mr. Pushpinder Jaswal, Additional AG
for respondents No. 2 and 4-State.

: Mr. K.S. Banyal, Senior Advocate
with Mr. Uday Singh Banyal,
Advocate for respondents No. 5 and 6.

Ajay Mohan Goel, Judge [Oral]

By way of this writ petition, the petitioners have *inter alia*
prayed for the following reliefs:-

*"It is, therefore, humbly and respectfully prayed that a
direction, order or any other writ direction as per law,
appropriate to the facts and circumstances may please be
issued to initiate acquisition proceedings under the Right to Fair
Compensation and Transparency in Land Acquisition,*

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

Rehabilitation and Resettlement Act 2013 as early as possible and Any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be granted to the petitioner along with costs in the interest of justice and fair play and against the respondents and in favour of petitioners and all the relevant record of the case may kindly be called for in the interest of justice.”

2. Learned Senior Counsel for the petitioners submitted that the grievance of the petitioners is that respondent-Project Proponent intends to use their land without compensating them in accordance with law and by forcing them to enter into sale deeds on such rates which are not acceptable to them. He prayed that this petition be disposed of by directing the Project Proponent that in case, it intends to use the land of the petitioners, then the same be acquired as per the provisions of the appropriate Land Acquisition Act.

3. On the other hand, learned Senior Counsel appearing for the Project Proponent has referred to the reply filed by respondents No. 5 and 6 and by referring to para-4 of the preliminary submissions thereof, he submitted that the petitioners, whose names are reflected at Sr. No. 7, 14, 19, 22, 35 and 40, have already sold their land to SJVN (respondent No. 5) on negotiated rates and 23 of the

petitioners, whose reference is given in said paragraph, have voluntarily given their consent to sell their land as per the rates negotiated with the Negotiation Committee and some of them have also executed sale deeds in favour of the Project Proponent. Learned Senior Counsel thereafter submitted that as far as remaining petitioners are concerned, their land is not required for the construction of the project.

4. Be that as it may, in light of the grievance raised by the petitioners and the fact that right to property is a constitutional right under Article 300-A of the Constitution of India, this Court is of the considered view that in case the project proponent intends to utilize the land of the petitioners, then the same can be done either with consent or by adopting the procedure prescribed in law for acquisition of the land. Ordered accordingly. In case, some of the petitioners have consented to the sale of their land to the Project Proponent, so be it, but if any of the petitioners have not yet agreed to sell, then said petitioners shall not be forced to enter into forced sale deeds and their land shall be acquired in accordance with law and due compensation be paid to them, if their land is required by the project proponent and without doing the needful, their land shall not be utilized by the Project Proponent.

The writ petition stands disposed of in above terms, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

December 23, 2025
(*narender*)