

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**LPA No. 932 of 2025
Decided on: 31.12.2025**

State of H.P. and others	Versus	...Appellants.
Anuradha and another		Respondents.

Coram:

***The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.***

Whether approved for reporting?

For the Appellants:	Ms. Priyanka Chauhan, Deputy Advocate General.
For the respondents:	Ms. Shashi Kiran, Advocate.

G.S. Sandhawalia, Chief Justice.

In the present Appeal, consideration is sought by the State against the judgment passed by the learned Single Judge in **CWP No.3558/2020** titled **Anuradha and another Vs. State of HP and others** dated 01.10.2024, whereby directions have been issued to the respondents to conduct demarcation of the subject land in accordance with law within four weeks and on demarcation, in case the land of the petitioner is found to have been utilized for the construction of the road in question, the acquisition

proceedings shall be initiated in respect of such land within eight weeks and be completed within one year thereafter.

2. As per the pleadings of the writ petitioners/land owners, their land as per jamabandi fell in Mohal Baryudi Tehsil Pachhad District Sirmaur, H.P. which had been utilized for the construction of the road, namely, "*Maryog-Lana-Kasar-Wasni Road*" in the year 1986. The possession of the land had been taken and acquisition proceedings had been initiated but grant of compensation had been made to other land owners of the land who were similarly situated. However, no compensation had been granted to the petitioners. Reliance had been placed upon **CWP No. 8501 of 2013**, titled ***Ravinder and others vs. State of HP and others*** decided on 13.08.2014, whereby directions had been issued to grant compensation. Reference was also made to Award No. 02 of 2019 dated 21.01.2019, (Annexure P-4) in relation to the acquisition of the land for the public purpose regarding other villages for the construction of the "Maryog-Kotla-Baryudi" road falling in Tehsil Pachhad, District Sirmaur, HP. The reading of the Award would show that it had been passed for 3-11 bighas of land in favour of the predecessor-in-interest of the petitioners who was also

present in that proceedings, namely Laxmi Nand. Apparently, on account of the land along with the land of the other land owners as such the petitioners were agitating for their grievances and award had been made to them and compensation had also been paid for the land falling in khasra No. 448/10/1 (0-13 biswas), 449/10/1 (0-12 biswas), 451/19/1 (1-10 Bigha), 507/22/1 (0-5 Biswas) and 463/413/1 (0-13 Biswas) Khas-5 total measuring 3-11 bighas situated in village Baryudi, Tehsil Pachhad, District Sirmour, HP whereas their claim was also for the land falling in khata No. 2 min/2, khataui No. 2 min/2.3.37 min, 41 min, 42, 48, khasra No. 264, khata No. 4 min/5 khatauni No. 6 min/6, khasra No. 257, khata No. 2 min/2.3.37 min 41, min 42, 48, khasra No. 448, khata No. 2 min/2, khatauni No. 2 min/2.3.37, min 41, min 42, 48 khasra No. 577/441 as per the jamabandi for the year 2018-19. Thus, apparently, it had been utilized for which no competition had been granted.

3. The State in its reply had only objected to the delay as such that the construction was done in the year 1988-89 and the present petition was filed after 32 years and there was acquiescence as such on the part of the land

owners and there was verbal consent. There is also admission that the petitioners were only recorded land owners but factually the land belonged to the State which was surrendered by their predecessor-in-interest which has not been clarified by the State in any manner regarding other Award which was passed vide which compensation was also granted to Laxmi Nand predecessor-in-interest of the present petitioners whose presence had been recorded in the Award itself.

4. Counsel for the State has sought to repeat the arguments raised before the learned Single Judge who rejected the defence of the delay and laches while placing reliance upon the judgments of the Apex Court in **CWP CWP No. 6581 of 2021** titled ***Labdhu Ram vs. State of HP and others, State of Himachal Pradesh Vs Umeed Ram Sharma (1986) 2 SCC 68; Swaraj Abhiyan (I) vs. Union of India and ors. (2016) 7 SCC 498; Hari Krishna Mandir Trust vs. State of Maharashtra & Ors. (2020) 9 SCC 356; D.B. Basnett Vs. Collector East District, Gangtok, Sikkim and Anr. (2020) 4 SCC 572; B.K. Ravichandra and Ors Vs. Union of India & Ors. (2021) 14 SCC 703; and Sukh Dutt Ratra & Anr. Vs.***

State of Himachal Pradesh & Ors. (2022) 7 SCC 508,

and issued necessary directions on the ground that the State was a welfare State and could not take the said plea.

5. It was also noticed that the land of the other villagers was utilized for the construction of the same road therefore, the petitioners cannot be discriminated against. In such circumstances, directions were issued to demarcate the land and find out which portion of the land was utilized.

6. Resultantly we find that in similar circumstances for the same village, namely “Narag-Wasni-Dinger Kinnar-Bagthan road” we had upheld another order passed by the learned Single Judge in **LPA No. 615 of 2025** titled ***State of HP and others vs. Puran Chand and others*** decided on 02.09.2025 and rejected the argument as such of delay and laches and implied consent by noticing in that case that certain land owners in village Narag had got Award No. 12 of 2009 dated 19.09.2009, in their favour and once the similarly situated persons had been granted compensation there was no reason as such to take a different view. The relevant paras of the said judgment read as under:

“9.Resultantly, we do not find any plausible reason to take a contrary view when similarly

situated land owners have been granted the benefit of compensation.

*10.The settled position of law has been laid down in **Civil Appeal NO(s) 3189 of 2022, Kalyanai (Dead) through LRs and others vs. The Sulthan Bathery Municipality and others**, wherein the Apex Court was dealing with the similar situation, wherein, land had been utilized for construction/ widening of bypass road and the landowners had been given assurance that they would get adequate compensation for their land utilized. The Supreme Court held that the onus as such could not be shifted on the land owners qua the donation aspect which had been done by the High Court in that case.*

*11.The filing of these appeals by the State has also been deprecated by the Apex Court in **SLP (Civil) No. 49057 of 2024** titled **The State of HP and others vs. Upender Kumar** decided on 22.11.2024 which had arisen out of the judgment in **LPA No. 54 of 2017** titled **State of Himachal Pradesh and others vs. Upender Kumar** decided on 27.03.2024, wherein the Apex Court while dismissing the SLP noticed that the exemplary costs are liable to be imposed. The said order reads as under:*

“Delay condoned.

2. We have come across several matters wherein the State of Himachal Pradesh has challenged the orders

passed by the Division Bench of the High Court of Himachal Pradesh, thereby directing the compensation to be paid to the respondent(s).

3. The writ petitioner(s) has approached the High Court with a grievance that though the possession of their lands were taken for road construction, they did not receive compensation.

4. By the impugned judgment and order, the High Court has held that the State cannot take possession of citizen land without paying the compensation.

5. Although the right to property is no longer considered a fundamental right, it is still a constitutional right. The State cannot be permitted to acquire citizen land without paying appropriate compensation.

6. In these circumstances, it would have been justified in dismissing the special leave petition(s) with exemplary cost. However, we refrain from doing so now and simply dismiss these special leave petitions.

7. Pending application(s), if any, stand(s) disposed of."

*12. Recently, the Apex Court has dismissed the **SLP No. 20577 of 2025, State of Himachal Pradesh & Ors vs. Prashant Gupta**, decided on 29.05.2025 against the order passed on 20.09.2024 by this Court, arising out of **LPA No. 291 of 2024**, titled **State of Himachal Pradesh & Ors vs. Prashant Gupta**, decided on 20.09.2024 wherein the Coordinate Bench as such had held that in view of Article 300A of the Constitution, the*

plea of oral consent and delay and laches could not be raised as it was a continuing cause of action.

*13. We have decided **LPA No. 174 of 2024** titled **State of Himachal Pradesh & Ors vs. Jagat Ram and another** directed against the judgment passed in **CWP No.3151 of 2023**, decided on 23.04.2024 and had upheld the said order keeping view the fact that the said order had already been upheld in **LPA No. 6 of 2025** titled **State of Himachal Pradesh and others vs. Ishwar Dass**, decided on 04.01.2025 regarding construction of the road from "Jabal to Jai Nagar via Ukhoo", Tehsil Ramsehar, District Solan, H.P. The orders were also assailed by way of SLP which had been dismissed along with **Prashant Gupta's** case (*supra*).*

*14. In **Letters Patent Appeal No. 68 of 2025, State of H.P. and others vs. Charan Dass** decided on 01.03.2025 and **Letters Patent Appeal No.183 of 2025, titled as State of H.P. & Ors. vs. Amar Singh** decided on 21.04.2025, we have given detailed reasons as such, as to why no ground is made out to interfere in such matters, keeping in view the law settled by the Apex Court.*

15. Therefore, for the foregoing reasons, we are of the considered opinion that there is no plausible reason to interfere with the judgment passed by the learned Single Judge, once similarly situated persons have been given compensation for utilization of their lands.

16. Having said so, the instant appeal is dismissed. Pending application(s), if any, shall also stand disposed of."

7. Thus, in view of the above, we are of the considered view that there is no plausible reason as such to

take a different view since the interest of the State has been duly protected that on demarcation it will be firstly verified which portion of the land had been utilized.

8. Apparently, vide Award No. 02 of 2019 (Annexure P-4) the land owners have already got the compensation for certain portion of the land falling in the same village as per the procedure prescribed as acquisition proceedings were initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, if other portion of the land belonging to the land owners has been utilized, they are thus entitled for the grant of compensation in the same manner.

9. Resultantly, we find no plausible reason to interfere with the well reasoned judgment of the learned Single Judge. Accordingly the appeal is dismissed along with pending miscellaneous applications, if any.

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

December 31, 2025.
(cm Thakur)