

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2093 of 2026
Date of Decision: 18.09.2026

Suresh Kumar

.....Petitioner

Versus

National Highway Authority of India & Ors.

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Ashok Kumar, Advocate.

For the Respondents: Ms. Shreya Chauhan, Advocate, for
respondent No.1.

Mr. Rajan Kahol, Additional Advocate
General with Mr. Ravi Chauhan & Mr. Anish
Banshtu, Deputy Advocates General, for
respondent-State.

Sandeep Sharma, Judge(oral):

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ashok Kumar, learned counsel for the petitioner, is that though vide communication dated 05.12.2024 issued by the Competent Authority-cum-Collector Land Acquisition, NHAI (SLAU-II), Pandhoh, District Mandi, H.P., Project Director, National Highway Authority of India, PIU Mandi, has been directed to revise the calculation sheet and pay a sum of Rs. 52,28,000/- to the petitioner on account of acquisition of his land as well as structure for the construction of National

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

Highway-21, but despite that, no steps have been taken by the NHAI to disburse the amount.

2. Careful perusal of the reply filed by the NHAI reveals that there is no dispute with regard to the acquisition of the land as well as structure of the petitioner for the construction of the road in question, but an attempt has been made to refute the claim of the petitioner on the ground that in original award dated 08.09.2021, compensation to the tune of Rs. 21,44,000/- was assessed and paid on 08.03.2022, but thereafter, CALA, without there being any authority vested in it issued communication dated 05.12.2024 on the basis of order dated 23.11.2024 passed by the Committee constituted by the Government of Himachal Pradesh for assessing compensation for damage to properties beyond the Right of Way, thereby directing NHAI to pay compensation to Rs. 52,28,000/-, which is not permissible under law.

3. Ms. Shreya Chauhan, learned counsel for the respondent-NHAI, states that after passing of award dated 08.05.2021, CALA has become functus officio and as such, could not have passed any supplementary award that too on the basis of the recommendation made by the Committee constituted by the Government of Himachal Pradesh for assessing damage to the properties beyond the Right of Way.

4. To the contrary, Mr. Ashok Kumar, learned counsel for the petitioner, states that since at the time of passing of award dated 08.09.2021, whereby compensation of Rs. 21,44,000/- came to be awarded to the petitioner, petitioner was not paid compensation qua the structure,

which had actually become rendered unsafe on account of construction of highway, he had no option but to approach the Committee constituted by the Government of Himachal Pradesh under the Chairmanship of the Deputy Commissioner of the District concerned. He states that Committee headed by the Deputy Commissioner, after verifying the factual position on the spot, rightly directed the Competent Authority-cum-Collector Land Acquisition, NHAI to reconsider the award dated 08.09.2021, that too taking note of the fact that the structure of the petitioner is the same as that of Sh. Gulab Singh. He further submitted that thereafter, Competent Authority-cum-Collector Land Acquisition, NHAI rightly proceeded to decide the matter as per Section 28 of the RFCTLARR Act, 2013 and enhanced the compensation from Rs. 21,44,000/- to Rs. 52,28,000/-. He states that aforesaid order dated 05.12.2024, vide which award dated 08.09.2021 came to be modified and the revised calculation sheet was ordered to be made part and parcel of the aforesaid award, never came to be laid challenge in the appropriate proceedings by the respondent-NHAI and as such, the same has attained finality.

5. Having heard learned counsel for the parties and perused the material available on record, this Court finds that at the first instance, sum of Rs. 21,44,000/- was awarded by the CALA in favour of the petitioner qua his land used for construction of National Highway-21. Since, on account of construction of National Highway, building/structure of the petitioner adjacent to the land acquired for the construction of the highway was rendered unsafe, petitioner approached the Committee constituted by the

Government of Himachal Pradesh, headed by the Deputy Commissioner concerned, for assessing the damage, which, after verifying the factual situation on the spot, directed the Director CALA to proceed with the matter as per Section 28 of the LARR Act, 2013. CALA, in terms of the aforesaid order, passed supplementary award, thereby enhancing the compensation from Rs. 21,44,000/- to Rs. 52,28,000/- and thereafter issued a communication dated 05.12.2024 to NHAI to pay a sum of Rs. 52,28,000/- to the petitioner. Admittedly, out of the total amount, Rs. 21,44,000/- stands paid to the petitioner, and a sum of Rs. 30,84,000/- remains to be paid.

6. Though, at this stage, Ms. Shreya Chauhan, learned counsel for respondent-NHAI, while making this Court peruse judgment passed by the High Court of Kerala at Ernakulam in WP(C) No. 1996 of 2021, titled as ***Usman Arif Vs. The Project Director & Ors.***, attempted to argue that after passing of award dated 08.09.2021, CALA had become functus officio and could not have passed a fresh award, however, having carefully perused the aforesaid judgment, this Court finds no application of same in the case at hand.

7. In the case at hand, earlier award dated 08.09.2021 passed by CALA was set aside by the Committee headed by the Deputy Commissioner with a direction to CALA to pass a fresh award taking note of the damage caused to the house/structure of the petitioner adjacent to the land acquired for construction of National Highway. CALA, in terms of the direction issued by the Committee headed by the Deputy Commissioner,

passed supplementary award, thereby awarding compensation in favour of the petitioner to the tune of Rs. 52,28,000/-.

8. Though Ms. Shreya Chauhan, learned counsel for the respondent-NHAI, vehemently argued that CALA could not have passed a fresh award, that too on the instructions of the Deputy Commissioner, but such plea of her deserves outright rejection for the reason that neither order passed by the Committee headed by the Deputy Commissioner dated 23.11.2024 nor the communication dated 05.12.2024 issued by the CALA (Annexure P-14) was ever challenged by the NHAI in appropriate proceedings, as a result thereof, the said orders have attained finality.

9. Consequently, in view of the above, this Court finds merit in the present petition and accordingly, the same is allowed. Respondent-NHAI is directed to deposit the balance compensation amount to the tune of Rs. 30,84,000/- with CALA in terms of the communication dated 05.12.2024, enabling it to release the same in favour of the petitioner expeditiously, preferably within a period of six weeks from today.

Petition stands disposed of in the aforesaid terms along with pending application(s), if any.

**(Sandeep Sharma),
Judge**

September 18, 2026
(Sunil)