

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

RFA No. 57/2018 a/w RFA
Nos. 45, 46 and 90/2018

Decided on: 05.10.2026

RFA No. 57/2018

Land Acquisition Collector & ors.	Appellants
Versus	
Sadh Ram (died) through LRs & ors.	Respondents

RFA No. 45/2018

Land Acquisition Collector & ors.	 Appellants
Versus	
Parnita & ors.	Respondents

RFA No. 46/2018

Land Acquisition Collector & ors.	 Appellants
Versus	
Sukhdev & anr.	Respondents

RFA No. 90/2018

Land Acquisition Collector & ors.	 Appellants
Versus	
Desh Raj & ors.	Respondents

Coram:

The Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the Appellants: Mr. Diwkar Dev Sharma, Addl. A.G.

For the Respondent(s): Mr. Rakesh Thakur, Advocate.

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

Romesh Verma, Judge (oral)

Since common questions of law and facts are involved in all these cases, therefore, they are taken up together for hearing and are being disposed of by a common judgment.

2 All these appeals have been filed by the appellants/State invoking provisions of Section 54 of the Land Acquisition Act (for short, “the Act”) challenging therein common award, dated 05.10.2016, as passed by the learned Additional District Judge-I, Solan, District Solan, Camp at Nalagarh, whereby reference petitions, as filed by the claimants/respondents, seeking therein enhancement of compensation for the acquired land, under Section 18 of the Act came to be allowed enhancing market value of the acquired land of the claimants/respondents to Rs. 15,00,000/- per bigha, instead of what has been assessed by the Land Acquisition Collector vide award dated 12.05.2010, Ext.PW2/F with costs of the petitions. In addition thereof, the claimants/respondents were also held entitled to all statutory benefits under Section 23 (1-A) of the Act and interest as under:-

(a) Compulsory acquisition charges (Solatium) at the rate of 30% on the enhanced amount of market value.

(b) Additional compulsory acquisition charges under Section 23 (1-A) of the Act at the rate of 12% per

annum on the enhanced market value of the land from the date of notification under Section 4 of the Act, i.e. 21.9.2007 till the date of award.

(c) Interest payable at the rate of 9% per annum for one year from the date of notification under Section 4 of the Act on the enhanced amount of compensation of the market value and on the amounts of column Nos. 1 and 2.

(d) Thereafter till the date of deposit interest at the rate of 15% per annum on the enhanced rate of market value and on the amounts of column Nos. 1 and 2.

3 The parties are *ad idem* that the issue in question is no more *res integra* and rather squarely covered by the common judgment, dated 08.08.2018, as rendered by this Court in batch of appeals lead being **RFA No. 26/2016, titled as Collector Land Acquisition, HPPWD & ors. vs. Harbans Singh**, whereby the appeals filed by the appellants/State under section 54 of the Act, arising out of the award, as passed by the learned District Judge, Solan, with regard to enhancement of compensation on account of acquisition of land for the purpose of construction of “Baddi-Nalagarh-Swarghat Road, as in the instant appeals, were dismissed, text whereof reads as under:-

“In these appeals, so filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), the beneficiary(ies) of the acquisition proceedings have

assailed the award dated 02.07.2015, passed by learned District Judge, Solan, H.P., in Petition No.22NL/4 of 2011, titled as Harbans Singh vs. Land Acquisition Collector H.P.P.W.D., & others, alongwith other connected matters.

2. For public purpose, namely, construction of Pinjore-Baddi-Nalagarh-Swarghat road, land was acquired by the State. The proceedings under Section 4 of the Act, were published in the official gazette on 25.08.2007. The Collector Land Acquisition H.P.P.W.D., passed his Award No.9/2010 dated 12.05.2010, in terms whereof, market value of the acquired land came to be assessed at different rates, ranging from Rs.9346/- per biswa to Rs. 58,153/- per biswa, classification/category wise.

3. Aggrieved thereof, claimants filed land reference petition under Section 18 of the Act, seeking re-determination of the market value of the acquired land, which stands decided in terms of impugned award dated 02.07.2015, in terms whereof, the market value of the acquired land stands re-determined @ Rs.15,00,000/- per bigha, on uniform basis, irrespective of the classification and category of land.

4. Poor agriculturists, residents of village Sauri Gujran, Tehsil Nalagarh, District Solan, H.P., have been fighting for adjudication of their rightful claims since the year, 2007. In all, nine reference petitions for several claims stand decided by the Reference Court. The total land involved is approximately 9-17-0 bighas. The public purpose for which the land stands acquired is construction of road. The Collector Land Acquisition, determined the market value of the acquired land category and classification wise ranging from Rs. 9346/- per biswa to Rs. 58,153/- per biswa, whereas, the

Reference Court has re-determined the same @ Rs. 75,000/- per biswa (i.e. Rs. 15,00,000/- per bigha), irrespective of its category and classification, the basis being the evidence led by the claimants in the shape of sale transaction dated 11.09.2007 (Ex.PW.2/B) and the ocular evidence.

5. It is not in dispute that the entire acquired land stands fully utilized for public purpose. It is also not disputed before this Court that the land was acquired for widening of Pinjore-Baddi-Nalagarh-Swarghat (NH-21A) road. In support of their claim, the claimants have referred to and relied upon as also proven several exemplar sale deeds and awards passed by the Reference Court. However, the Reference Court, while discarding such documentary evidence considered only sale transaction dated 11.09.2007 (Ex.PW.2/B).

6. Before the same is dealt with, at this point in time, one must examine the evidence led by the State/beneficiaries, who are aggrieved of the passing of the impugned award. One witness, namely, Roshan Lal, Assistant Engineer, NH Sub Division, H.P.P.W.D. (RW.1), has placed on record sale deeds (Ex.RW.1/B to Ex.RW.1/C). Well, save and except for placing on record the said sale transaction he has said nothing in his testimony and as such, such sale transactions cannot be relied upon as a piece of evidence.

7. In contrast, the claimants have placed on record and proven sale transaction dated 11.09.2007 (Ex.PW.2/B). Vendor, Bhagat Ram (PW.4), has duly proved the same. Also through the ocular evidence i.e. testimony of claimants Shri Pal Chand (PW.1) and Bhagat Ram (PW.4), it has come on record that the land sold vide said exemplar sale deed is similar, if not identical, in its potential, nature, class and classification qua the land.

8. From the conjoint reading of testimony of Shri Pal Chand (PW.1), Preet Mohinder (PW.2), Krishan Parkash (PW.3), Bhagat Ram (PW.4), Chhotu Ram (PW.5) and Rattan Chand (PW.6), it is also evidently clear that the land acquired is abutting the State Highway and in fact was acquired for the construction of National Highway No.21-A. Also it has come that the area in question stands fully developed and in close proximity, close by there are commercial establishments. In fact, from the reading of their testimonies, it is quite apparent that the whole area stands fully developed. There are schools; public offices; hospitals; markets; business establishments; and that the acquired land had the potential of being put to commercial use. It is in this backdrop, one finds the view taken by the Reference Court, in not applying the principle of deduction on the market value, so determined by an exemplar sale deed (Ex.PW.2/B), pertaining to small parcel of land, to be justified. Significantly, exemplar sale deed dated 11.09.2007 (Ex.PW.2/B) pertains to the sale transaction in the very same village whereby 2 biswas of land stood sold @ Rs. 75000/- per biswa (Rs. 15,00,000/- per bigha). This was nearer to the date of publication of notification under Section 4 of the Act for acquisition of the land.

9. One finds that immediately with the initiation of the acquisition proceedings the price of the land had shot up, which is evident from another exemplar sale deed dated 07.05.2008 (Ex.PW.2/A), whereby the land of similar parcel stood sold for a consideration of Rs. 1,62,500/- per biswa (Rs. 32,50,000/- per bigha). The said sale transaction being subsequent in point in time stands rejected by the Reference Court. Why this Court has referred to the said sale deed is only to highlight the trend

in the increase of cost of land in the area, which as is evident from the testimonies of claimants' witnesses has fast developed into an industrial township. Thus, the price re-determined by the Reference Court, cannot be said to be on higher side.

10. Insofar as determination of the market value of the acquired land on uniform basis is concerned, the point rightly stands not agitated before this Court, for the entire land stands fully utilized for public purpose.

11. Under these circumstances, this Court does not find any reason to interfere with the impugned award, for the findings returned by the Reference Court cannot be said to be perverse, illegal, erroneous or not based on the correct and complete appreciation of facts or law.

As such, present appeals stand dismissed. Pending application(s), if any, also stand disposed of accordingly."

4 Learned Additional Advocate General has fairly submitted that even **SLP (Civil) Diary No. 12458/2019, titled as State of Himachal Pradesh & ors. vs. Harbans Singh**, arising out of the aforesaid judgment, dated 08.08.2018 in RFA No.26/2016 also came to be dismissed vide order, dated 26.04.2019, as passed by the Hon'ble Supreme Court, meaning thereby that the judgment, dated 08.08.2018 has attained finality.

5 In this view of the matter coupled with the fact that the parties are ad idem that the instant appeals be disposed of in view of the ratio as laid down in the aforesaid **judgment**,

dated 08.08.2018, in RFA No. 26/2016, titled as Collector Land Acquisition, HPPWD & ors. vs. Harbans Singh, the instant appeals are disposed of as such with direction that the directions and observations as reproduced here-in-above and contained in the judgment dated 08.08.2018 (supra), shall apply to these cases also *mutatis mutandis*. Pending application(s), if any, also stands disposed of.

05.10.2026
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(Romesh Verma)
Judge