

2026:HHC:41820

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

**CWP No. 7206 of 2026**

**Reserved on : 08.09.2026**

**Decided on: 29.09.2026**

**Uploaded on: 29.09.2026**

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Kuldeep Thakur and others .....Petitioners

**Versus**

State of Himachal Pradesh and others ... Respondents

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**Coram**

***Hon’ble Mr. Justice Ajay Mohan Goel, Judge***

***Hon’ble Mr. Justice Yogesh Jaswal, Judge***

**Whether approved for reporting?<sup>1</sup> Yes**

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For the petitioners : Mr. Dinesh Kumar Thakur, Advocate.

For the respondents : Mr. Ramakant Sharma, Additional  
Advocate General for respondents No.  
1 to 4.

: Mr. Narender Singh Thakur, Advocate  
for respondent No. 5.

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**Ajay Mohan Goel, Judge**

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

“i) That a writ of mandamus may kindly be issued by quashing and setting aside Annexure P-1, P-3, P-4 and P-5 as the same has been deemed to be rescinded by section 19 (7) of the act as the Notification has been issued without assigning written reasons.

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?

*ii) That the respondents may be directed to prepare and enact the resettlement and rehabilitation plan as per the mandate of the act qua the petitioners.*

*iii) That the respondent may be directed to pay damages to the petitioners as they have restrained from developing the land.*

*iv) In the alternative, issue a writ of mandamus directing the respondents to complete the acquisition proceedings within a time-bound period in accordance with law, including issuance of declaration and payment of compensation;*

*v) In the event the respondents fail to complete the acquisition within the time stipulated by this Hon'ble Court, the land of the petitioners be released from acquisition and the petitioners be permitted to use and enjoy the same without any restriction."*

2. The issue raised in the present petition is in a very narrow compass. The petitioners are the residents of villages Upperli Bhater, Barmana and Khater, Post Office Barmana, Tehsil Sadar, District Bilaspur. In terms of the averments made in the writ petition, they claim to be agrarian by profession and their livelihood is dependent upon agriculture. According to the petitioners, the agricultural land of the petitioners along with the land of co-

villagers, on which their houses are also situated, is being acquired for the construction of Bhanupali-Bilaspur-Beri Broad-Gauge Railway Line. Their grievance is that their legal rights are being infringed without following the mandate of Section 19(7) of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as 'the 2013 Act'). They contend that as per the provisions of Section 19 of the 2013 Act, when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of Section 15 of the Act, that any particular land is needed for a public purpose, a declaration has to be made to that effect, along with a declaration of an area identified as "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification, irrespective of whether one report or different reports has or have been made wherever required. They submit that, further as per Section 19, the Collector has to publish a summary of the Rehabilitation and Resettlement Scheme along with

declaration referred to sub-section (1). They state that as per sub-section (7) of Section 19, where no declaration is made under sub-section (1) within 12 months from the date of preliminary notification, such notification shall be deemed to have been rescinded, provided that in computing the period referred to in sub-section (7), any period or periods during which the proceedings for the acquisition of any land were held up on account of any stay or injunction by the order of any Court shall be excluded. Further, as per the petitioners, as per the second proviso to sub-section (7), the appropriate Government shall have the power to extend the period of 12 months, if in its opinion, circumstances exist justifying the same and as per the third proviso to said section, any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

3. Learned Counsel for the petitioners argued that in the present case, the preliminary notification was issued under the provisions of Section 11 of the 2013 Act for acquisition of 538-13-05 bighas (40.54 hectares) of land in terms of Annexure P-1 dated 29.03.2023. However, no declaration, as is required to be made under sub-section (1) of Section 19 of the Act, was made within a period of 12 months. Learned Counsel referred to Annexure P-3,

Notification dated 16.03.2024, Annexure P-4, Notification dated 24.03.2025, and Annexure P-5, which is a copy of notification dated 25.03.2026. By referring to these three notifications, learned Counsel argued that, in terms thereof, the respondents extended the period for issuing notification or declaration in terms of sub-section (1) of Section 19 by invoking the provisions of sub-section (7) of Section 19 of the 2013 Act on three occasions. Yet till date, no declaration has been made as per Section 19(1) of the 2013 Act. Learned Counsel further argued that even the extension in terms of Annexure P-3 to P-5 are no extensions in the eyes of law because the provisos to sub-section (7) of Section 19 of the 2013 Act clearly lay down that what is required in law is that, where the necessary declaration under sub-section (1) of Section 19 could not be made within 12 months by the Authority concerned, the decision to extend the period has to be recorded in writing and notified and the same has to be uploaded on the website of the Authority concerned. He argued that Annexure P-3 to P-5 are non-speaking notifications, as they do not spell out reasons recorded in writing as to why the extension beyond the period of 12 months was being required for the issuance of declaration, which was a condition precedent while exercising the right of extending the period to make a declaration.

Accordingly, he argued that as no declaration was made by the Authority concerned after the issuance of Annexure P-1 within 12 months and as the extensions made by the Authority concerned were not in consonance with the provisions of sub-rule (7) of Section 19 of the 2013 Act and provisos thereto, the present writ petition be allowed by quashing Annexures P1 and P-3 to P-5.

4. On the other hand, learned Additional Advocate General and learned Counsel for respondent No. 5 submitted that the factum of no declaration having been made within 12 months from the date of issuance of Notification, as is the requirement of sub-section (1) of Section 19 of the 2013 Act, after the issuance of notification Annexure P-1, is a matter of record. However, they argued that as the Government exercised its power of extending the period and the reason why the period was being extended is clearly mentioned in Annexure P-3 to P-5, the present writ petition is without any merit and is liable to be dismissed. No other point was urged on behalf of the respondents.

5. When this case was heard on 01.09.2026, this Court had passed the following order:-

*“Compliance affidavit in terms of the previous order stands filed.*

*The main issue, which this Court has to decide in the present case*

*is whether the decision to extend the 12 months period within which a declaration has to be made as from the date of the issuance of preliminary notification can be extended by the appropriate Government without adhering to the 3rd Proviso to Section 19(7) of the Right to Fair Compensation Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in letter and spirit, that is to say whether the appropriate Government can extend the period without recording in writing the actual reasons in some reasonable detail as to why the declaration could not be made within 12 months or an extension made by the appropriate Government by simply stating in the notification that declaration could not be made due to "certain unavoidable administrative circumstances, suffices the purpose.*

*Heard for some time. List for continuation on 08.09.2026, as prayed for."*

6. When the matter was heard thereafter on the request of this Court, learned Additional Advocate General made available for the perusal of the Court the record of the case, in terms whereof, the notifications extending the period of making declaration were issued and a perusal of the same demonstrated that no reasons indeed were recorded in the official records also as to why the declarations were not made within a period of 12 months, as is the requirement of the third proviso to Section 19(7) of the 2013 Act. This fact was candidly admitted on behalf of the respondents.

Section 19 of the 2013 Act reads as under:

**“19. Publication of declaration and summary of Rehabilitation and Resettlement.”**—(1) When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of a Secretary to such Government or of any other officer duly authorised to certify its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

(2) The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration referred to in sub-section (1):

*Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration:*

*Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the appropriate Government toward the cost of acquisition of the land:*

*Provided also that the Requiring Body shall deposit the*

*amount promptly so as to enable the appropriate Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification under section 11.*

*(3) In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.*

*(4) Every declaration referred to in sub-section (1) shall be published in the following manner, namely:—*

*(a) in the Official Gazette;*

*(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;*

*(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;*

*(d) uploaded on the website of the appropriate Government;*

*(e) in the affected areas, in such manner as may be prescribed.*

*(5) Every declaration referred to in sub-section (1) shall indicate,—*

*(a) the district or other territorial division in which the land is situated;*

*(b) the purpose for which it is needed, its approximate area; and*

*(c) where a plan shall have been made for the land, the place at which such plan may be inspected without any cost.*

*(6) The declaration referred to in sub-section (1) shall be conclusive*

*evidence that the land is required for a public purpose and, after making such declaration, the appropriate Government may acquire the land in such manner as specified under this Act.*

*(7) Where no declaration is made under sub-section (1) within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:*

*Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:*

*Provided further that the appropriate Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:*

*Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned."*

7. Thus, the requirement of the law is that publication of declaration and summary of rehabilitation and settlement upon the satisfaction of the appropriate Government after the publication of preliminary notification in terms of Section 11 of the 2013 Act, has to be made within a period of 12 months from the date of preliminary notification, and if no declaration is made under Sub-section (1) of Section 19 within 12 months from the date of preliminary notification, then such notification shall be deemed to

have been rescinded.

8. In the present case, the preliminary notification was issued on 29.03.2023 and till date, no declaration has been made qua the same, as is the requirement of Sub-section (1) of Section 19 of the 2013 Act.

9. Ordinarily, in such a circumstance, such a notification is deemed to have been rescinded, which is the mandate of Sub-section (7) of Section 19 of the 2013 Act. and this is mandatory, as the words used in the Statute is that 'if no declaration is made under Sub-section (1) of Section 19 of the Act within 12 months from the date of preliminary notification, then, "such notification shall be deemed to have been rescinded."

10. However, the provisos to Sub-section (7) of Section 19 provide that the appropriate Government shall have the power to extend the period of 12 months, if in its opinion, circumstances exist justifying the same, and if the appropriate Government exercises said power of its, then any such decision to extend the period shall be recorded in writing and shall be notified and uploaded on the website of the Authority concerned.

11. Therefore, the requirement of the law is that when the appropriate Government exercises its power of extending the period

of 12 months in which declaration has to be made as per Sub-section (1) of Section 19 of the 2013 Act, then the decision to extend the period "shall be recorded in writing" and "shall be notified and uploaded on the website."

12. Therefore, it is not as if the appropriate Government can exercise the power to extend the period of 12 months on its whims and fancies in each and every case where a declaration has not been made within 12 months as from the date of preliminary notification. This power of the State Government to extend the period of 12 months is coupled with the duty to record in writing the decision as to why the time was being extended.

13. Unfortunately, in the present case, no decision or reason exist on record, recorded in writing, as to why, in the opinion of the appropriate Government, circumstances were existing, justifying the extension beyond the period of 12 months of making the declaration as per Sub-section (1) of Section 19.

14. In the present case, three notifications have been issued by the appropriate Government extending the time for making declaration by 12 months. In none of the notifications which have been issued, the reasons, which obviously have to be the foundation of the decision and on the basis whereof a decision has to be arrived

at by the appropriate Authority (which has to be reduced in writing by recording the same in writing), have been mentioned.

15. The notifications extending the time of making the declaration are, bald notifications in which it is simply mentioned that, as the plan for rehabilitation and resettlement could not be finalized due to certain unavoidable administrative circumstances, therefore, the declaration could not be made within prescribed period of 12 months and therefore, the period of issuing the notification of declaration was being extended.

16. Now, what were those unavoidable administrative circumstances, do not find mention in any of these three notifications nor the record. In fact, Annexures P-3, P-4, and P-5 are all conspicuously silent of the so-called unavoidable administrative circumstances, which, as per the third proviso to Sub-section (7) of Section 19 of 2013 Act, are required to be reduced in writing and also notified and uploaded on the website when the appropriate Government exercises its power to extend the period of 12 months. What to speak of the recording and uploading of these circumstances by way of a decision in the notifications issued, we find that even in the record of the department, there are no reasons recorded while taking a decision to issue notifications for extension

of time for making the declaration. Thus, here is a situation where what was required to be done by the appropriate Government within 12 months as from the date of the notification of the preliminary notification, has not been done even after the passing of more than three and a half years as from the date of the issuance of the preliminary notification.

17. Not only this, while exercising its power to extend the period of making the declaration, the statutory requirement of recording down the reasons why this power was being exercised, has not been met by the appropriate Authority and neither any reasons are there on the record nor any reasons or decision(s) as to why the rehabilitation and resettlement policy could not be finalised, the period was being extended is there in the notifications, which have been uploaded on the website by the Authority concerned. This according to us, at the best, is an excuse as to why declaration was not made. The reasons were required to be mentioned why the rehabilitation and resettlement plan could not be finalized and what were the hurdles in the finalization of the said plan. A simple mention that the plan for rehabilitation and resettlement could not be finalized, cannot be termed to be sufficient enough to meet the requirement of proviso to Sub-section (7) of Section 19 of the 2013

Act.

18. Therefore, in these circumstances, as there is a blatant non-compliance of the third proviso of Sub-section (7) of Section 19 of the 2013 Act, by the appropriate Government while exercising its power to extend the period of 12 months for making the declaration, the preliminary notification stood rescinded with the efflux of operation of Sub-section (7) of Section 19 of the 2013 Act, in terms whereof, where no declaration is made under Sub-section (1) of Section 19 of the 2013 Act within 12 months from the date of preliminary notification, such notification is be deemed to have rescinded and it is held accordingly.

19. Therefore, in the light of the above observations, this writ petition is allowed. Preliminary notification (Annexure P-1), dated 29.03.2023, is held to be deemed to have been rescinded in view of the provisions of sub-Section (7) of Section 19 of the 2013 Act as no declaration was made within 12 months from the date of issuance of the notification and the extensions, which have been granted by the appropriate Government for making declaration as per Annexures P-3 to P-5, i.e. notifications dated 16.03.2024 (Annexure P-3), 24.03.2025 (Annexure P-4) and 25.03.2026 (Annexure P-5), are held to be bad in law, as they do not contain in

them reasons/decision to extend the period beyond 12 months for making such declaration. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

**(Yogesh Jaswal)**  
**Judge**

September 29, 2026  
(*narender*)