

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

RFA No. 110/2015

Decided on: 10.09.2026

The Land Acquisition Collector
HPPWD, Mandi & anr.

.....Appellants

Versus

Ajay & ors.

....Respondents

Coram:

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

Whether approved for reporting?¹

For the Appellants: Mr. Manish Thakur, Dy. Advocate
General.

For the Respondents: Mr. Lakshay Thakur, Advocate.

Romesh Verma, Judge (oral)

The instant appeal has been filed by the appellants/State against the award, dated 07.12.2013, as passed by the learned Additional District Judge, Mandi, whereby reference petition, as filed by the claimants/respondents under Section 18 of the Land Acquisition Act (for short, "the Act"), came to be allowed.

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

2 The facts, as emerge in the instant case, are that the land of the respondents/claimants was utilized by the State for construction of “Talyar Pairi Ratti Road”. The State Government issued notification under Section 4 of the Act on 21.07.1998 and pursuant thereto and after following due procedure, award No.1, dated 06.04.2000 was passed by the Land Acquisition Collector. Since the land of the respondents/claimants was excluded and not acquired by the State, therefore, they were constrained to file CWP No. 1439/2002 before this Court, seeking therein substantial relief to acquire the land, which was utilized by the State Government for construction of the aforesaid road.

3 This Court vide its order, dated 21.05.2007 allowed the aforesaid writ petition and directed the State to determine and pay the compensation to the respondents/claimants within a period of three months from the date of the order as per notification issued under Section 4 of the Act.

4 Pursuant to the order, dated 21.05.2007, the State after relying upon notification, dated 21.07.1998 passed a supplementary award, dated 18.08.2007, thereby granting Rs.50,000/- per bigha apart from other statutory benefits.

5 The claimants/respondents feeling dissatisfied by the award, as passed by the Land Acquisition Collector, filed reference petition in the Court of learned Additional District Judge (I) Mandi on 20.08.2008 and the learned Reference Court vide its award, dated 07.12.2013 allowed the reference petition, relevant portion whereof reads as under:-

“23. In view of my aforesaid discussions, reference petitions are allowed with costs and the reference petitioners are held entitled to enhanced compensation at the rate of 1,34,000/- per bigha in respect of acquired land. However, it is ordered that the reference petitioners shall be entitled to compensation as per their shares in the acquired land recorded in revenue record.

24. Further, the reference petitions are also held entitled to the following reliefs:

a) the petitioners shall also be entitled to solatium @30% on the amount as stated aforesaid,

b) the reference petitioners shall also be entitled for additional compensation @ 12% per annum under Section 23(1-A) of the Act w.e.f. 1.08.1998 the date of publication of notification till the date of award of the Collector, i.e. 18.08.2007 and

c) the reference petitioners shall also be entitled to interest under Section 28 of the Act on the amount assessed under sub section (1) of section 23 of the Act, the additional compensation worked out under sub-section (1-A) of section 23 of the Act, plus, solatium awarded under sub-section 23 of the Act, at the rate of 9% per annum on the value assessed from

the date of award and thereafter, @ 15% per annum till the date of payment/deposit of the amount of compensation in accordance with Section 34 of the Act.”

6 Feeling dissatisfied with the aforesaid award, the State has approached this Court by filing the instant appeal.

7 Mr. Manish Thakur, learned Deputy Advocate General, has primarily addressed his arguments on the point that the, impugned award as passed by the learned Reference Court, is not speaking order and while accepting the petition, as filed by the claimants/respondents, no reasons have been assigned by the learned Reference Court, as a result of which, the impugned award is liable to be quashed and set aside. He has contended that admittedly in the present case notification under Section 4 of the Act was issued on 21.07.1998, however learned reference Court has erred in law while relying upon sale deed, Ext. PW2/B, which is dated 12.03.2010, which is later in time after notification issued under Section 4 of the Act and award, dated 06.04.2000. He has further contended that even if it is assumed that the aforesaid sale deed has to be taken into consideration, even then from the perusal of the sale deed, it is clear that transaction was done for the land measuring 0-02-06 bighas for a sum of Rs.45,000/-. According to him, the learned Reference Court has not adhered to the provisions of

law and has wrongly passed the impugned award, which is not sustainable in the eyes of law.

8 On the other hand, Mr. Lakshay Thakur, Advocate, has defended the impugned award, as passed by the learned Reference Court. He would submit that impugned award is well reasoned order and it does not call for any interference.

9 I have heard the learned counsel for the parties and have also gone through the record carefully.

10 Before touching merits of the case, learned Deputy Advocate General has drawn attention of this Court to para 21 of the impugned award, whereby learned Reference Court has assigned reasons for passing the impugned award.

11 Perusal of the reasoning which has been assigned by the learned Reference Court categorically shows that no plausible reason has been assigned by the learned Reference Court to the arguments as raised by the learned counsel for the State, whereby it has been contended that despite taking into consideration sale deed, dated 12.03.2010 which is post notification issued under Section 4 of the Act and award dated 06.04.2000, what were the reasons to pass the impugned award. The learned reference Court has not taken into

consideration this crucial aspect of the matter and has erred by passing the impugned award.

12 Consequently, this Court is in agreement with the submissions, as made by the learned Deputy Advocate General that while assessing amount of compensation, no explanation and reasons have been given by the learned Reference Court. The learned Reference Court though has relied upon various case laws of the Hon'ble Supreme Court, but has not given any reasons to pass the award in question.

13 In my considered opinion, the impugned award as passed by the learned Reference court does not stand to judicial scrutiny and it is liable to be quashed and set aside on the ground that the learned Reference Court has passed a non speaking award.

14 Consequently, this Court has no other option but to relegate the matter to the learned Reference Court with a direction to decide the controversy again after taking into consideration the oral as well as documentary evidence and pass an award afresh.

15 The parties are directed to appear before the learned Reference Court on **29.09.2026**. Since land of the claimants was utilized by the State way back in the year 1998,

therefore, the learned reference Court is requested to decide the reference petition expeditiously and preferably within six months from today.

16 The appeal is disposed of in the aforesaid terms, so also the pending application(s), if any.

10.09.2026
(*pankaj*)

(Romesh Verma)
Judge