

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

RFAs No.87 & 86 of 2021

Reserved on: 14.08.2026

Date of decision: 27.08.2026

Date of uploading on Website: 27.08.2026

RFA No.87 of 2021

General Manager, Northern Railway

....Appellant

Versus

Rakesh Kumar and another

...Respondents

RFA No.86 of 2021

General Manager, Northern Railway

....Appellant

Versus

Kamla Devi

...Respondent

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

¹ *Whether approved for reporting?*

For the appellants:	Mr. Bharat Bhushan, Senior Panel Counsel, in both the appeals.
For the respondents:	Mr. Ajay Sharma, Senior Advocate with Mr. Tarun K. Brakta, Advocate, for respondent No.1/State, in both the appeals. Mr. Ankush Thakur, Deputy Advocate General, for respondent No.2/State, in both the appeals.

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

Sushil Kukreja, Judge

Since both these appeals are the offshoot of common award dated 16.05.2019, passed by the learned Additional District Judge-II, Una, District Una, HP (hereinafter referred to as the Reference Court), they are being taken up together for disposal. The parties shall be referred to as they were before the learned Reference Court.

2. The facts of the case, in brief, are that the Government of Himachal Pradesh issued a notification under Section 4 of the Act, dated 01.12.2000 for acquisition of the land of the petitioners, comprised in Khasra Nos.748 and 921, measuring 0-04-68 hectares and Khasra Nos.804 and 1033, measuring 0-05-51 hectares, situated in Village Ghandawal, Tehsil and District Unal, HP, for construction of Railway line from Nangal to Talwara (Una-Churru). Notification under Sections 6 & 7 of the Act was also issued on 20.03.2021 and objections were called by the Land Acquisition Collector. After following all codal formalities, the Land Acquisition Collector (Railway), Una passed Award No.22, dated 02.02.2002.

3. Feeling aggrieved and dissatisfied with the said award, the petitioners preferred reference petitions under Section 18 of

the Act with the prayer that the matter be referred to the learned District Judge for payment of fair and adequate amount of compensation.

4. The learned Reference Court, vide common award dated 16.05.2019, allowed the reference petitions and the petitioner were awarded compensation at the rate of Rs.1,27,000/- per *kanal*, irrespective of the location, category and classification of the acquired land alongwith interest at the rate of 12% per annum on the enhanced amount of under Section under Section 23(1-A) of the Act from 01.12.2000 to 02.02.2002, solatium at the rate of 30% on the enhanced amount of compensation. They were also held entitled to interest at the rate of 9% from 03.02.2002 till the amount of compensation was deposited in the Court.

5. The appellant-General Manager, Northern Railway, being aggrieved and dissatisfied with the common impugned award dated 16.05.2019, passed by the learned Reference Court, preferred the instant appeals with the prayer that the impugned award may be quashed and set-aside.

6. I have heard learned Senior Penal Counsel for the appellant(s) as well as learned Senior Counsel for the

respondent(s)/ petitioners and learned Deputy Advocate General for respondent(s)/State and have also carefully gone through the entire record.

6. The Senior Panel Counsel for the appellant(s)/Northern Railway as well as the learned Senior Counsel and learned Deputy Advocate General for the respective respondents are *ad idem* to the fact that in similar cases, arising out of Award No.22 of 02.02.2002, passed by the learned Land Acquisition Collector (Railway), Una, a Co-ordinate Bench of this Court disposed of batch of appeals, lead case being ***RFA No.4054 of 2013 & CO No.5 of 2016*** titled ***General Manager, Northern Railway, New Delhi Vs. Sh. Om Prakash & others alongwith connected matters, decided on May 5, 2018***, whereby the claimants therein were uniformly held entitled to the market value @ Rs.700/- per sq. mts., irrespective of its location, category and classification.

7. Therefore, in view of the above, the instant appeals are disposed of in terms of the aforesaid judgment passed in ***RFA No.4054 of 2013 & CO No.5 of 2016*** and the directions issued in the said judgment shall apply *mutatis mutandis* to the instant case(s).

Pending application(s), if any, shall also stand disposed of.

August 27, 2026
(*V.Himalvi*)

(Sushil Kukreja)
Judge