

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

RFA No. 236 of 2015

Reserved on : 20.07.2026

Date of decision: 29.07.2026

Date of uploading on Website: 29.07.2026

State of HP and others

....Appellants

Versus

Khyali Ram and others

...Respondents

Coram

Hon'ble Mr. Justice Sushil Kukreja, Judge

¹ *Whether approved for reporting?*

For the appellants: Mr. Balvinder Singh, Deputy Advocate
General.

For the respondents: Mr. Vishal Thakur, Advocate.

Sushil Kukreja, Judge

The instant appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 (for short, 'the Act') by the appellants/ State against the award dated 06.06.2014, passed by the learned Additional District Judge-1, Shimla, HP (for short 'the Reference Court'), with the prayer that the award passed by the Land Acquisition Collector may be upheld, after setting-aside the impugned award passed by the learned Reference Court.

2. The facts of the case, in brief, are that a notification under Section 4 of the Act was issued on 24.03.2004 for the

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

construction of Rugra/Gawahi Link road in village Gawahi Kalan and DPR Kharyad, Tehsil Shimla (Rural), District Shimla. Undisputedly, the land belonging to the claimants, situate in Village Gawahi Kalana, Tehsil Shimla (Rural), District Shimla, H.P., came to be acquired for public purpose; namely; construction of Rugra-Gawahi Link Road and acquisition proceedings commenced with the issuance of Notification under Section 4 of the Act on 24.03.2004. The Land Acquisition Collector passed award No.13/2004, dated 30.06.2004.

3. Being aggrieved and dissatisfied with the amount of compensation awarded by the Land Acquisition Collector, the petitioners/claimants preferred a reference petition under Section 18 of the Act before the learned Reference Court, seeking enhancement of the amount of compensation awarded by the Land Acquisition Collector. The learned Reference Court, vide award dated 06.06.2024, partly allowed the reference petition and enhanced the compensation qua the acquired land, as per detail given in the impugned award.

4. Appellants-State being aggrieved and dissatisfied with the impugned award dated 06.06.2014, passed by the learned Reference Court, preferred the instant appeal with the prayer that

the award passed by the Land Acquisition Collector may be upheld, after setting-aside the award passed by the learned Reference Court.

5. It is not in dispute that similar situate claimants, whose land also came to be acquired for the construction of Rugra-Gawahi Link Road in the acquisition proceedings commenced with the publication of Notification issued under Section 4 of the Act on 24.03.2004, had filed land reference petitions before the learned District Judge (Forest), Shimla, praying therein to enhance the compensation awarded by the Land Acquisition Collector in award No.13/2004, dated 30.06.2004. As has been noticed above, the Land Acquisition Collector, while passing award No.13/2004, dated 30.06.2004, determined the market value of acquired land on different rates on the basis of classification of the land. However, fact remains that similar situated claimants, being dissatisfied with quantum of compensation awarded by the Land Acquisition Collector in Award No.13/2004, dated 30.06.2004, filed reference petitions under Section 18 of the Act and those reference petitions were clubbed and disposed of by a common award passed in **Reference Petition No.7-S/4 of 08/05**, titled as **Hira Nand and Others vs. State of H.P. & Others**, wherein the learned

Reference Court re-determined the market value of entire land and enhanced the amount for different categories, as described in the said award.

6. Being aggrieved and dissatisfied with the aforesaid award passed by learned Reference Court, the appellants-State, filed different appeals, bearing RFA Nos.13, 14, 16 & 17 of 2009, which came to be dismissed and the award passed by the learned Reference Court was upheld by this Court vide a common judgment dated 18.10.2017 by reiterating the market value of entire acquired land irrespective of its category and classification, as done by Reference Court.

7. The learned counsel for the the respondents-claimants, while placing reliance upon the aforesaid award dated 18.10.2017, passed by this Court, contended that this appeal also deserves to be dismissed, in terms of aforesaid judgment, because undisputedly claimants in the case at hand alongwith the claimants in the aforesaid reference petitions were awarded compensation vide a common award No. 13 of 2004. He further argued that since this Court had upheld the findings of Reference Court, returned in the aforesaid Reference Petitions, therefore, the claimants in the instant case are also entitled to market value of entire acquired

land as done by Reference Court.

8. The learned Deputy Advocate General for the appellants-State, while fairly acknowledging the factum with regard to passing of judgment dated 18.10.2017, in aforesaid RFA No.13 of 2009, conceded that the petitioners/claimants in the case at hand are also entitled to enhanced market value of acquired land, as has been held in ***Reference Petition No.7-S/4 of 08/05***, titled as ***Hira Nand and Others vs. State of H.P. & Others***, which has further been upheld by this Court in ***RFA No.13 of 2009***.

9. Consequently, in view of aforesaid discussion as well as fair stand adopted by the learned Deputy Advocate General representing appellants-State, the instant appeal is dismissed and it is ordered that directions contained in ***RFA No.13 of 2009***, titled as ***State of H.P. & Others vs. Hira Nand & Others***, shall *mutatis mutandis* apply to the present case also. Interim order, if any, is vacated.

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

July 29, 2026
(V.Himalvi)

(Sushil Kukreja)
Judge