

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.550 of 2026

Date of Decision:- 01.10.2026

Lal Chand **....Appellant**

Versus

State of Himachal Pradesh and Others **....Respondents**

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the Appellant : Mr. Lokesh Thakur, Advocate.

For the Respondents : Mr. Pranay Pratap Singh,
Additional Advocate General, for
respondent Nos.1 to 3-State.

G.S. Sandhawalia, Chief Justice (Oral).

The present appellant has challenged the order passed by the learned Single Judge in **CWP No.16971 of 2025** titled as **Lal Chand Vs. State of Himachal Pradesh and Others**, dated 10.08.2026, whereby the writ petition was dismissed on the ground that the respondents did not intend to return the petitioner's land, which had been duly acquired, in accordance with law, in the year 1972.

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

2. The learned Single Judge had noticed that the acquisition proceedings were finalized in the year 1972, and the land was acquired for the construction of the Beas Satluj Link Project by the Bhakra Beas Management Board under the provisions of the Land Acquisition Act, 1894. Post-acquisition, certain land parcels were declared surplus by the State Revenue Department and vested in it vide mutation No.1393 dated 01.07.2000. Resultantly, the petitioner/appellant-herein had claimed the return of his land, relying primarily on an office letter dated 24.05.2001 (**Annexure P-3**) issued by the Financial Commissioner-cum-Secretary (Revenue). It was also noticed that the respondents-State, in its reply, admitted that such surplus land not required by the Government had been returned to some land-owners, though the land of the petitioner did not form part and parcel of **Annexure P-3**. Accordingly, the petitioner/appellant-herein had submitted a representation for the return of his land on 31.01.2018. It was further observed that a portion of the land was lying vacant and on the balance, the Jal Shakti Board had constructed a pump house on it.

3. The judgments relied upon by the petitioner/appellant-herein were distinguished by the learned Single Judge, who noted that those cases involved properties put

to auction. In such circumstances, the original owner as such had approached the Court, which was not the case in the present litigation.

4. While placing reliance upon the judgment of the Apex Court in ***V. Chandrasekaran and Another Vs. Administrative Officer and Others (2012) 12 SCC 133***, it was held that once land is vested in the State free from all encumbrances, it cannot be divested under the Land Acquisition Act, 1894. Land, once acquired, could not be restored to the tenure-holders or persons interested, even if the land is not used for the purpose for which it was acquired or for any other purpose.

5. Reliance was also placed upon the Constitutional Bench judgment of the Apex Court in ***Indore Development Authority Vs. Manohar Lal and Others (2020) 8 SCC 129*** in support of the denial of relief.

6. Counsel for the appellant has referred to the letter dated 11.01.1993 (**Annexure R-2/1**), wherein around 1403 bighas of land acquired for the Beas-Satluj Link Project was declared surplus and noted to be in the possession of various Central and State Government Departments. The letter states that where the original landowners or their legal heirs wish to re-claim such land, it may be returned to them upon recovery of

its market value. If the original owner does not wish to purchase it, the land should be auctioned.

7. In the reply filed by the respondents-State, it was stated that the notification/communication dated 11.01.1993 had been stayed vide a telefax message dated 04.03.1993 and was no longer operative, which has been attached as **Annexure R-2/I**. Furthermore, the respondent-State's reply denies that the land in question has been shown as vacant land, asserting that the petitioner/appellant-herein is deliberately misinterpreting the said letter to claim that the path to the cremation ground passes through the land. Additionally, the Jal Shakti Vibhag (IPH) had constructed a pump house on the said land and the mere fact that some portion of the land remained vacant does not mean that it is not required by the Government.

8. Reliance can also be placed upon the translated copy of the report dated 02.07.2026, issued by the Revenue Authorities in the context of this dispute, which has also been attached. It is specifically averred that no similarly situated persons in Mahal Mahadev have been granted any relief after the year 2001 and that compensation was paid when the land was acquired and that the petitioner has no right to the return of the land.

9. In the rejoinder filed by the petitioner/appellant-herein, it is admitted that there is a large chunk of land and that the pump house was installed on a very meager piece of land. It is not disputed that the acquired land of the petitioner/appellant-herein measured 2-2-2 bighas, whereas the khasra number in question, which now measures 08-06-16 bighas, has been duly consolidated into Khasra No.1621 and is currently in the possession of the Revenue Department.

10. The Apex Court in ***Northern Indian Glass Industries Vs. Jaswant Singh and Others, (AIR) 2003 SCC 234***, while placing reliance upon its earlier judgment in ***Gulam Mustafa Vs. State of Maharashtra, (AIR) 1977 SC 448 : (1976) 1 SCC 800***, held that once an original acquisition is valid and title has vested in the municipality, how it uses the excess land is of no concern to the original owner and cannot form the basis for invalidating the acquisition. It was held that there is no principle of law by which a valid compulsory acquisition stands voided simply because, long after the acquisition, the requiring authority diverts the land to a public purpose other than the one stated in the Section 6(3) declaration.

11. In the said case, the judgment of the High Court was set aside as it was noticed that there was an inordinate delay and

laches, and that the land had already vested in the Government free from all encumbrances. Further, it was held that even if the land is not used for the purpose for which it was acquired, the landowner does not acquire any right to ask for the re-vesting of the land or to demand restitution of possession.

12. A similar view has been laid down in ***Government of A.P. and Another Vs. Syed Akbar, AIR 2005 SC 492*** and the orders passed by the High Court were set aside while following the view in ***Northern Indian Glass case (supra)***.

13. In ***Mahadeo (Dead) through LRs and Others v. State of Uttar Pradesh and Others (2013) 4 SCC 524***, the judgment of the High Court was upheld and the Apex Court held that even if some land was left unutilised at the relevant time, this does not give any right to the Authority to send a proposal to the Government for the release of the land in favour of the land owners. Unutilised land thus cannot be re-conveyed or re-assigned to the erstwhile owner by invoking the provisions of the Land Acquisition Act. This is because once the land is acquired and mandatory requirements are complied with including possession having been taken, the land vests in the State Government free from all encumbrances.

14. In such circumstances, keeping in view the settled position of law, we do not find any plausible reason as such to interfere with the well reasoned order dated 10.08.2026, passed by the learned Single Judge. Resultantly, the present appeal stands dismissed.

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

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

1st October, 2026
(Munish Thakur)