IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP Nos.1870, 1871 and 5372 of 2024
Date of Decision: 30.10.2026

1.CWP No.1870 of 2024
Jeet Ram and Ors.

.....Petitioners

Versus

Union of India and Ors.

.....Respondents

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2. CWP No.1871 of 2024
Geeta Ram

.....Petitioner

Versus

Union of India and Ors.

.....Respondents

3.CWP No.5372 of 2024
Durgu and Ors.

.....Petitioners

Versus

Union of India and Ors.

.....Respondents

Coram
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?
For the Petitioners: Mr. Atul Jhingan, Advocate.
For the Respondents: Mr. Nand Lal Thakur, Senior Panel Counsel, for respondent No.1.
Ms. Shreya Chauhan, Advocate, for respondent No.2.
Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.

Sandeep Sharma, J. *(Oral)*

Since common questions of facts and law are involved in the above captioned petitions, this Court, after having clubbed all cases, heard them together and same are now being disposed of vide common judgment.

2. Precisely the grouse of the petitioners as has been highlighted in the petitions and further canvassed by Mr. Atul Jhingan, learned counsel representing the petitioners is that on account of construction of National Highway No. 5 from Solan to Kaithlighat section, land apart from land of the petitioner acquired for construction of National Highway Authority of India has been damaged on account of widening of the National Highway. Since portion of land, which was got damaged due to slope protection work now stands used by NHAI for widening of National Highway, prayer has been made on behalf of the petitioners to direct the respondent-NHAI to grant compensation qua the left out land of the petitioners.

3. For the sake of brevity, facts of CWP No. 1870 of 2024, are being discussed herein after.

4. Precisely, facts of the case as emerge from the pleadings and material adduced on record by respective parties are that petitioners were joint owners in possession of land comprised in Khata Khatoni No. 1 min/3, Khasra No. 117/12 measuring 2-14 bighas, Khasra No. 125/92/74 measuring 4-01 bighas and Khasra No. 102/43 measuring 02-17 bighas, kitas 3, total measuring 9-12 bighas situated at Mohal Mathia, Hadbast No. 2, Tehsil and District Solan, out of which land to the extent of 2-09 bighas, i.e. 1844 square meters, was acquired by the competent authority, Land Acquisition, Solan on behalf of NHAI vide Award No. 11 dated

27.06.2016, for which the petitioners herein also got compensation to the tune of Rs. 80,20,000/-.

5. Since on account of construction of National Highway, as detailed above, left out portion of the land of the petitioners was also damaged and subsequently, it also came to be used for widening of the National Highway and slope protection work, petitioners have approached this Court in the instant proceedings praying therein for following reliefs:

> "A. The respondents may be directed to acquire the unacquired land belonging to the petitioners which was left out of acquisition proceedings which were undertaken for the (widening, four-laning) maintenance, management and operation of the National Highway No-22 on the stretch of land from KM 106.00 to 131.00 (Solan to Shimla), more specifically-
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> - 2.01 bighas of land out of Khasra No. 125/92/74 total measuring 04.1 bighas.
> - 1 bigha land out of Khasra No. 102/43 total measuring 02.7 bighas.
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> -situated in Mohal Mathia, Patwar Circle Salogra, Tehsil and Distt Solan HP."

6. Pursuant to notice issued in the instant proceedings, respondent-NHAI has filed reply, wherein facts, as detailed hereinabove, have not been disputed, save and except that while admitting the factum with regard to acquisition of land to the extent of 1844 square meters denoted by Khasra No. 117/12/1 measuring 0-9 biswas, i.e. 344 square

meters and Khasra No. 125/92/74/1 measuring 02-00 bighas, i.e. 1500 square meters, it has been seriously disputed that on account of construction of National Highway/slope protection work, further damage, if any, was caused to the left out land of the petitioners. It is also specifically denied that left out land of the petitioners was subsequently used for widening of the National Highway.

7. Having heard learned counsel for the parties and perused material on record, this Court finds that on account of damage caused to the land adjacent to the acquired land, petitioners herein approached the Committee constituted vide notification dated 8.6.2020, headed by Deputy Commissioner, Solan, which visited the spot on 11.10.2022 and gave report for the land of the petitioners to the following effect:

> "**(4) VILLAGE MATHIYA:**
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> S/Sh. Devi Ram s/o Shri Atma Ram, Ram Swaroop, Jai Prakash, Geeta Ram, Devender, Maya Ram, Devi Ram and Narender Kumar, all residents of Village Mathiya:
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> The Committee found on the spot that the land of the residents of village Mathiya has slid due to vertical excavation and was posing imminent danger to their residential houses and Poly Houses. Even the pathway leading to their houses had been totally damaged and they had no alternative path for their ingress and egress to their houses. Keeping in view the grave situation on the spot, the Committee decided that alternative pathway may be constructed by the NHAI at the first instance.

> In this regard, the Project Director informed in the meeting that a DPR for slop protection was being prepared by the NHAI."

8. As per the aforesaid report, land of residents of Village Mathiya was found to have slid due to vertical excavation/widening and it was further found to be posing imminent danger to the residential houses and polyhouses. Besides above, the Committee also found that pathway leading to houses had been totally damaged and they had no alternate path for ingress and egress to their houses. In the aforesaid background, Committee recommended that alternate pathway may be constructed by NHAI at the first instance, but certainly while passing the aforesaid order, no order with regard to payment of compensation, if any, qua the damage caused to the land of the petitioners due to vertical excavation/widening ever came to be passed.

9. During proceedings of the case, this Court came to be apprised that land, which is earlier claimed to have been damaged due to vertical excavation, has been further used by National Highway Authority of India for widening of National Highway, which fact has been seriously refuted by Ms. Shreya Chauhan, learned counsel representing NHAI, who submitted that though pursuant to report submitted by the Committee, steps were required to be taken for slope protection work, but same could not be taken on account of opposition of the petitioners.

10. Be that as it may, once it is clear from the report of the Committee dated 11.10.2022 that on account of vertical excavation, land of residents of Village Mathiya has slid and there is imminent danger to residential houses and polyhouses of the residents, coupled with the fact that some damaged land of the petitioners has been claimed to be used for widening of National Highway, necessary directions are required to be issued to the Committee headed by Deputy Commissioner, Solan, to visit the spot again and assess the damage, if any. Needless to say, factum with regard to damage, if any, caused to the land of the petitioners cannot be assessed in the instant proceedings, rather for that purpose, Committee has been constituted by Government of Himachal Pradesh vide notification dated 8.6.2020, which has been given task to assess the damage, if any, caused to the property beyond right of way on account of construction of National Highway.

11. Consequently, in view of above, this Court deems it fit to dispose of the present petitions with a direction to the Committee headed by Deputy Commissioner, Solan to visit the spots within a period of two weeks and verify whether on account of vertical excavation/widening carried on the spot by National Highway Authority of India, damage has been caused to the property of the petitioners and other residents of the area. Committee may also ascertain whether on account of vertical excavation/widening, houses/polyhouses situate on the top of the hill have

become unsafe? If yes, adequate compensation, if any, payable to the petitioners may also be assessed, enabling the National Highway Authority of India, to deposit the same before the competent authority. Ordered accordingly. Entire exercise in terms of the directions contained in the instant order shall be completed within a period of eight weeks. Needless to say, authority concerned while doing the needful in terms of the instant order shall afford an opportunity of being heard to all the stakeholders, including National Highway Authority of India and concessionaires and pass appropriate orders.

12. In the aforesaid terms, present petitions are disposed of along with pending applications, if any.

October 30, 2026 **(Sandeep Sharma),**
(manjit) **Judge**