IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1931 of 2018

Date of Decision: 30.10.2026

Puran Chand & others .…….Petitioners

Versus

State of Himachal Pradesh & others … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1] Yes.

For the Petitioner:	Mr. Mohinder Verma, Advocate, for petitioners No.1 (a) to 1(g), 2 to 4, 5(a) and 6.
For the Respondents:	Mr. Anup Rattan, advocate General with Mr. Rajan Kahol, Additional Advocate General, Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No.1 and 2.
	Mr. Bharat Bhushan, Senior Panel Counsel, for respondents No.3 and 4.
	Ms. Seema K. Guleria, Advocate, for respondent No.5.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with order dated 13.03.2018 passed by Competent Authority, Land Acquisition-cum-SDO (Civil), Shimla (Rural) **(Annexure P-3),** whereby applications having been filed by the petitioners for apportionment of the compensation awarded by aforesaid authority qua the land acquired for construction of National Highway came to be dismissed,

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

petitioners have approached this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein to set aside aforesaid order and direct CALA to refer the matter to Civil Court of original jurisdiction.

2. Precisely, the grouse of the petitioners, as has been highlighted in the petition and further canvassed by Mr. Mohinder Verma, learned counsel representing the petitioners, is that CALA, while passing the impugned order, has fallen in grave error in not referring the matter to Civil Court, especially when applicants-petitioners had raised question of title qua the land acquired by National Highway Authority of India for construction of National Highway.

3. Pursuant to the notices issued in the instant proceedings, respondents have filed reply, perusal whereof reveals that the applicants-petitioners are strangers, because at the time of acquisition of land, petitioners herein were neither shown to be in possession nor owners of the land acquired by NHAI for construction of National Highway. To the contrary, respondent No. 5 was shown to be owner of the land on the basis of Will executed by Smt. Janku. Since respondent No. 5 was reflected as owner in possession of the land in question, CALA, after receiving field report, proceeded to hold him

entitled for compensation qua the land used for the purpose of construction of National Highway.

4. Petitioners herein filed applications before the CALA, praying therein for apportionment of compensation on the ground that respondent No. 5 is not the owner of the land, rather he after adducing on record forged Will, succeeded in getting himself reflected as owner in possession in the revenue record. It also came to be argued at the behest of the applicants-petitioners that in revenue record, Shri Dhan Lal, father of respondent No. 5, was recorded as non-occupancy tenant without any order of the competent authority.

5. CALA, after having heard the parties, passed order impugned in the instant proceedings, thereby rejecting the claim of the applicants-petitioners.

6. Though, Mr. Mohinder Verma, learned counsel representing the petitioners, vehemently argued that since specific question with regard to title of the property was raised, CALA ought not have decided the issue, rather should have referred the matter to the Civil Court, but this Court is not impressed with the aforesaid submission of Mr. Verma for the reason that applications were filed for apportionment of compensation, wherein one of the ground was that no compensation could have been awarded in favour of respondent No. 5 for the reason that he doesn't have title. Since at the time of

acquisition proceedings, respondent No. 5 placed on record jamabandi of relevant year, thereby showing him to be owner in possession of land on the strength of Will executed in his favour by original land owner Smt. Janku, coupled with the fact that revenue authorities, after conducting inquiry, had verified the claim of respondent No. 5, no illegality otherwise can be said to have been committed by CALA, while awarding compensation in favour of respondent No. 5. Since petitioners herein were not shown to be in possession or owner of the land in question, coupled with the fact that they never approached CALA at the time of acquisition proceedings for compensation, applications having been filed by them for apportionment rightly came to be rejected vide impugned order. Though, Mr. Mohinder Verma, while referring to Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, attempted to persuade this Court to agree with his submission that in the event of dispute, if any, raised with regard to title, CALA ought to have referred the matter to Civil Court, but having carefully perused aforesaid provision of law, this Court is not persuaded to agree with Mr. Mohinder Verma, learned counsel for the petitioners.

7. Careful perusal of aforesaid provision of law reveals that any person interested, who has not accepted the award may, by

written application to Collector, require that matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapter V and VI or apportionment of the compensation among the persons interested.

8. Admittedly, in the case at hand, no award ever came to be passed in favour of the petitioners and as such, they could not have raised any dispute with regard to apportionment in terms of provision contained under Section 64 of the Act. Otherwise also, question with regard to title can be decided by competent court of law. Had the petitioners at the time of acquisition of land raised dispute with regard to their entitlement or they were able to establish that respondent No. 5 is not the sole proprietor of the land for which compensation is being assessed, CALA would have passed appropriate order, but since in the case at hand, no document, worth credence, ever came to be placed on record by the petitioners at the time of acquisition, coupled with the fact that CALA, after being satisfied that respondent No. 5 is the lawful owner of the land in question, which fact was further verified by field agency and revenue record, no illegality can be said to have been committed by CALA, while passing order impugned in instant proceedings.

9. Consequently, in view of the above, this Court finds no illegality or infirmity in the impugned order dated 13.03.2018 and as such, same is upheld. The present petition fails and is dismissed accordingly. Needless to say, petitioners are always at liberty to raise the question of title, if any, in the competent court of law, if so advised. Pending applications, if any, also stand disposed of.

(Sandeep Sharma),
Judge

October 30, 2026
(shankar)