(2026:HHC:10831)

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10474 of 2023

Decided on: 08.04.2026

Sunder Singh **…..Petitioner**

Versus

Union of India and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr.P.S. Goverdhan, Senior Advocate with Mr. Rakesh Thakur, Advocate.

For the Respondents: Mr. Rajinder Thakur, CGC, for respondent No.1.

Ms. Shreya Chauhan, Advocate, for respondent No.2.

Mr. Y.P.S. Dhaulta, Additional Advocate General, for respondents No. 3 & 4.

Jyotsna Rewal Dua, Judge

Petitioner is owner in possession of land comprised in Khata/Khatauni No.76/80, Khasra No.198/98/51/44/6, measuring 4 biswas, situated in Mohal Bara, Tehsil and District Solan, H.P. The land abuts National Highway No.22 now numbered as National Highway No.5 (Shimla – Parwanoo road). The respondents No. 1 & 2 issued notification on 21.12.2017 under Section 3-A of National Highways Act, 1956 for acquisition of land for the purpose of

[1]Whether reporters of print and electronic media may be allowed to see the order? Yes.

widening, strengthening and four-laning of aforesaid National Highway. In the process, out of the above mentioned land of petitioner, 01 biswa out of total 04 biswas was also acquired by the respondents. Award No.21/ B was passed in this regard on 21.07.2020.

The petitioner has filed this writ petition with the grievance that the respondents had wrongly denied him, compensation for his remaining 03 biswas of above described land even though road had been constructed by them over entire 04 biswas of land comprised in Khasra No. Khasra No.198/98/51/44/6.

2. The petitioner in support of his assertion placed on record the demarcation report dated 05.10.2020. The said demarcation conducted by Kanungo supported the case of the petitioner of his entire land having come under widening of road. This demarcation, however, was disputed by respondents No. 1 & 2 in their reply. According to them, the demarcation was not conducted in their presence.

3. Taking note of the respective stand of the parties, vide order dated 10.07.2025, demarcation was ordered to be conducted by the concerned Tehsildar as to whether the above described land of petitioner had been

used for the purpose of road or not. The aforesaid order reads as under:-

> "Learned Senior Counsel for respondent No.2 submits that it would be in the interest of justice, in case, this Court orders demarcation to be carried out by Tehsildar concerned, as Tehsildar being a responsible Officer of the State Government, no one would doubt the demarcation that he may carry out in the presence of the party.
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> Taking into consideration the issue involved in the writ petition and in order to put an end to the controversy as to whether the land of the petitioner has been used for the purpose alleged in the petition or not, it is ordered that let a fresh demarcation be carried out by Tehsildar, Solan within four weeks from today. Demarcation be carried out after giving a prior notice to all the parties including NHAI through counsel. Report of said demarcation be furnished before the Court on or before the next date of hearing.
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> List on 25.08.2025."

Pursuant to above directions, Tehsildar, Solan, District Solan, H.P. has placed on record demarcation report. In terms of report, demarcation was conducted on 23.09.2025. Apart from 01 biswa of already acquired land of the petitioner, remaining 03 bisws comprised in Khasra No.198/98/51/44/6 also falls under the road widening works carried out by the NHAI. This demarcation has been conducted in accordance with law and in presence of duly authorized officer of respondent including official of respondent- NHAI. There is no objection to this demarcation report from any quarter.

4. In view of above demarcation report, this writ petition is allowed with direction to the respondents including NHAI as also respondent No.4 i.e. the Competent Authority Land Acquisition (CALA), Solan, District Solan, H.P. to acquire remaining land of petitioner under the above described land parcel and pass the award in accordance with law as expeditiously as possible not later than four months. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

April 08, 2026
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