IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

RFA No. 177 of 2026
Date of decision: 04.11.2026
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Kaushalya Devi .....Appellant.

Versus

Land Acquisition Collector (Railways) & others ……Respondents.

Coram
The Hon'ble Mr. Justice Sushil Kukreja, Judge.
[1] *Whether approved for reporting?*

For the appellant:	Mr. Ajay Sharma, Sr. Advocate, with Mr. Atharv Sharma, Advocate.
For respondents No. 1 & 2:	Mr. Manoj Chauhan, Additional Advocate General.
For respondent No. 3:	Mr. Balram Sharma, ASGI, with Mr. Avinash Jaryal, Senior Panel Counsel and Shri Rajeev Sharma, Advocate.

Sushil Kukreja, Judge.

The instant appeal has been preferred by the appellant, who was the petitioner before the learned Reference Court (hereinafter referred to as "appellant/claimant") under Section 54 of the Land Acquisition Act, 1894 (for short "the Act") against award dated 12.03.2019, passed by learned Additional District

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

Judge-II, Una, District Una, H.P. (hereinafter referred to as "the learned Reference Court") in LAC Petition RBT No. 42/5/2003, whereby the reference petition filed by the appellant/claimant, i.e., Smt. Kaushalya Devi, was allowed.

2. The facts giving rise to the instant appeal are that the petitioner (appellant herein), and other petitioners, had preferred petitions before the learned Reference Court under Section 18 of the Act, challenging the award passed by Land Acquisition Officer (Railway), Una, vide Award No. 2 of 1999-2000, dated 29.06.2000 and seeking enhancement of compensation qua their respective lands. The appellant (Smt. Kaushalya Devi) averred in her petition that her land measuring 0-06-10 hectares, comprised in Khasra No. 1734/1 and 1754/1 was acquired by the respondents for the purpose of construction of Nangal-Talwara Railway Line. The appellant further averred in her petition that the Land Acquisition Collector for the purpose of acquisition of the land in village Dussara, Tehsil Amb, District Una, H.P. published notification under Section 4 of the Act on 21.03.1998 and thereafter notification under Section 6 of the Act, dated 23.11.1998 was also issued. Ultimately, on 29.06.2000 award was announced by the Land Acquisition

Officer (Railways), whereby following compensation was awarded:

Sr. No.	Kind of the land	Cost per kanal
1.	Chahi	Rs.30,735.36
2.	Do fasli abbal	Rs. 19,787.52
3.	Ek fasli abbal & do fasli doam	Rs.15,475.20
4.	Ek fasli doam	--
5.	Banjar kadim jadid	Rs.948.48
6.	Kharakana	--
7.	Gair Mumkin Abadi	Rs.30,735.36
8.	Other gair mumkin	Rs.948.48

3. The learned Reference Court, after hearing the learned counsel for the respective parties and after examining the records, allowed all the petitions with costs, including the petition, so filed by the appellant and awarded compensation @ Rs.500/- per square meter, irrespective of the location, category and classification of the acquired land alongwith interest @ 12% per annum on the enhanced amount of compensation under Section 23(1-A) of the Act from 21.03.1998 to 29.06.2000. Further the appellants were also held entitled to solatium @ 30% on the enhanced amount of compensation. The appellants were held entitled to interest @ 9% from 30.06.2000 till the amount of compensation is deposited in the Court.

4. The learned Senior Counsel for the appellant contended that the impugned award has been assailed only

on the ground that the learned Reference Court has failed to adhere to the statutory provisions for grant of compensation, as the interest @ 9% per annum for the first year and thereafter @ 15% per annum from the date of the award till the date of the payment/deposit of the same has not been awarded by the learned Reference Court.

5. Conversely, the learned counsel/Senior Panel Counsel for the respective respondents supported the impugned award and contended that the impugned award is the result of proper appreciation of both facts and law, thus the instant appeal, being devoid of merits, be dismissed.

6. The perusal of the impugned award reveals that while allowing the petition, following relief has been granted by the learned Reference Court:

> ***"In view of my findings on issue No. 1, the reference petitions succeed and are hereby allowed with costs and appellants are awarded compensation at the rate of Rs.500/- per sq. meters irrespective of the location, category and classification of the acquired land alongwith interest at the rate of 12% per annum on the enhanced amount of compensation under Section 23(1-A) of the Act from 21.3.1998 to 29.6.2000. Further, the appellants are entitled to solatium at the rate of 30% on the enhanced amount of compensation. The appellants are also entitled to interest at the rate of 9% from 30.06.2000 till the amount of compensation is deposited in the Court."***

7. Thus, the appellant has not been awarded interest @ 9% per annum for the first year and thereafter @ 15% per annum from the date of the award till the date of the

final payment of the compensation amount, as such the impugned award deserves to be modified. However, it may be pertinent to mention here that the impugned award was passed on 12.03.2019 and after passing of the impugned award, a petition under Article 227 of the Constitution of India was filed by the petitioner (appellant herein) on 09.08.2019, which came to be registered as CMPMO No. 429 of 2019 and the said petition was dismissed as withdrawn on 18.08.2025, as the appellant was pursuing wrong remedy. The instant appeal alongwith application for condonation of delay was filed on 31.10.2025. In the opinion of this Court, the appellant cannot be granted any interest for the period when she was pursuing the wrong remedy as it is well settled that a person cannot be permitted to take benefit of his own wrong. Granting interest to appellant for that period would be putting an extra burden on the state exchequer without there being any fault on its part. The impugned award was passed on 12.03.2019, whereas the instant appeal, alongwith application for condonation of delay, was filed on 31.10.2025. Therefore, the appellant will not be entitled to any interest for the intermediate period, i.e., w.e.f. 12.03.2019, i.e., the date of passing of the impugned award, till

30.10.2025 as the appellant cannot be given benefit of her own wrong.

8. Accordingly, the instant appeal is allowed and the impugned award, passed by the learned Reference Court, is modified to the extent that in addition to the statutory benefits already granted by the learned Reference Court to the appellant, she is also held entitled to interest @ 9% per annum for the first year and thereafter @ 15% per annum from the date of the award till the date of the final payment of the compensation amount minus interest for the period w.e.f. 12.03.2019 to 30.10.2025. Rest of the terms of the impugned award shall remain the same.

9. In view of what has been discussed hereinabove, the instant appeal is allowed and disposed of. Pending application(s), if any, shall also stand(s) disposed of.

(Sushil Kukreja)
Judge

4th November, 2026
(virender)