IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RFA No. 48 of 2018
Decided on : 24.09.2026

The State of H.P. & others ...Appellants.

Versus

Muni Lal ...Respondent.

Coram
Hon'ble Mr. Justice Romesh Verma, Judge.
Whether approved for reporting?[1]

For the appellants: Mr. Manish Thakur, Deputy Advocate General, Advocate.

For the respondents: Mr. Pankaj Sawant, Advocate, vice Mr. Karan Thakur, Advocate.

Romesh Verma, Judge(oral)

The instant appeal arises out of the award passed by the learned District Judge, Shimla, dated 25th May 2016, whereby the Land Reference No. 1-S/4 of 2014 filed under Section 18 of the Land Acquisition Act, 1894, filed by the claimant/respondent, was allowed.

2. The facts which emerge in the present case are that for the construction of the Batakufar–Chakdayal link road, notification under Section 4 of the Land Acquisition Act was issued by the present appellants on 17th May 1996.

3. The land comprised in Khewat No. 23, Khatauni No. 27, Khasra Nos. 668/348 and 1136 was the subject matter for the purpose of the construction of the road. The land measuring 0-10 biswas

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

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belonging to the present respondent was utilized/acquired on account of the construction of the road.

4. The competent authority/Land Acquisition Collector, vide its award dated 12th April 1999 in Award No. 2 of 1999, awarded the amount of compensation in terms of the classification of the land.

5. Feeling aggrieved, the present respondent/claimant preferred a reference petition under Section 18 under the provisions of the Land Acquisition Act for the enhancement of the amount of compensation.

6. Learned Reference Court, vide its impugned award dated 25th May 2016, allowed the petition, and the present respondent was held entitled to a sum of amount of Rs. 3,47,307.68/- per bigha. Further, they have been held entitled to solatium at the rate of 100% of the compensation amount, which is held to be Rs. 3,47,307.68/- per bigha, as per the provisions of Section 30 of the new Act. Further, the respondent-claimant has been held entitled to interest at the rate of 9% per annum on the enhanced amount of compensation under Section 80 of the new Act from the date of taking possession for the first year, and thereafter, at the rate of 15% per annum from the date of expiry of the said period of one year on the amount of compensation, till the same is deposited before the expiry of one year.

7. Feeling dissatisfied, the State has approached this Court by filing the instant appeal under Section 54 of the Land Acquisition Act, 1894.

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8. It is contended by Mr. Manish Thakur, learned Deputy Advocate General appearing for the State, that the impugned award as passed by the learned Reference Court is erroneous and liable to be quashed and set aside. He submits that the learned Reference Court has not appreciated the point in controversy and has passed the award which is not sustainable in the eyes of law. He further submits that the learned Reference Court has not taken into consideration all the issues which were framed by the said Court. He would submit that after accepting the present appeal, the award as passed by the learned Reference Court deserves to be quashed and set aside.

9. On the other hand, Mr. Pankaj Sawant, learned vice counsel for the respondent has defended the impugned award as passed by the learned Reference Court. He submits that the impugned award passed by the learned District Judge, Shimla, is valid, legal, and sustainable in the eyes of law, and it does not call for any interference.

10. I have heard the learned counsel for the parties.

11. Mr. Manish Thakur, learned Deputy Advocate General, has drawn the attention of this Court to paragraph 6 of the award, wherein following issues were framed:-

> (1) Whether the Land Acquisition Collector has not assessed the market value of the acquired land properly? OPP
>
> (2) If issue No.1 is proved in affirmative, what was the market value of the acquired land at the time of issuance of the notices under Section 4 of the Land Acquisition Act? OPP
>
> (3) Whether the petition is not maintainable? OPR

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(4) Whether the petitioner has no locus standi to file the petition? OPR

(5) Whether the petition is barred by the limitation? OPR

(6) Relief."

12. It is contended by the learned Deputy Advocate General that the learned Reference Court has not answered all the issues and the findings have been returned only qua Issue Nos. 1 and 2. The said fact is duly acknowledged by the learned counsel for the respondent.

13. It is contended by the learned Deputy Advocate General that in the absence of returning any finding on the remaining issues, the award as passed by the learned Reference Court is nonest and liable to be quashed and set aside.

14. This Court is in agreement with the submission of learned Deputy Advocate General for the State/appellants, whereby in the award, the learned Reference Court has erred by not discussing or passing any reasoning qua Issue Nos. 3, 4, and 5. On this sole ground, the award as passed by the learned District Judge deserves to be quashed and set aside by relegating the parties to the said Court again, with the direction to decide the reference petition afresh on all the issues and the evidence which has already been led by the respective parties.

15. Consequently, after accepting the present appeal, the case is remitted back to the Court of the learned District Judge, Shimla, with a

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direction to decide the same afresh. The parties undertake to appear before the learned District Judge on ***1st October 2026***.

16. Needless to say, the learned Reference Court shall not issue fresh notices as it has been undertaken by the learned counsel for the parties that they shall appear before the said Court on the date fixed.

17. With these observations, appeal stands disposed of, in aforesaid terms, so also the pending miscellaneous application, if any.

18. Record be sent back immediately.

A copy of this judgment be transmitted to the learned First Appellate Court for record.

(Romesh Verma)
Judge

September 24, 2026
(Nisha)

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