

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.5566 of 2012-G
Date of decision : 31.12.2013

Sh. Lal Singh Petitioner.

Versus

State of Himachal Pradesh and others Respondents.

Coram

The Hon'ble Mr. Justice Sanjay Karol, Judge.

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting? No.

For the Petitioner : Mr. G.D. Verma, Senior Advocate with
Mr. B.C. Verma, Advocate.

For the Respondents : Mr. R.M. Bisht, Deputy Advocate
General and Mr. J.S. Guleria, Assistant
Advocate General.

Sanjay Karol, Judge (Oral)

Petitioner has prayed mainly for the following
relief:-

“ii) That appropriate orders and directions may be issued to the Respondents that they should not deprive the petitioner and all other recorded co-owners of their property without adopting due process of Law and therefore, time-bound directions may be issued to them to finalize the acquisition-proceedings in accordance with Law. so that amount of compensation and all other statutory benefits are paid to the Petitioner and to all other co-owners in accordance with law.”

2. We find that the respondents-State had initiated proceedings for acquisition of the petitioner's

land in question, under the provisions of Land Acquisition Act, 1894. Relevant notification under Section 4 was issued on 21.3.1998. Further notifications under Sections 6 and 7 were issued on 11.1.2000. Thereafter, notification under Section 9 was issued on 8.6.2001. However, acquisition proceedings could not be completed for want of demarcation.

3. Petitioner kept on pursuing the matter with the authorities, which is evident from legal notice dated 9.7.2009 (Annexure P-3), as also subsequent communications.

4. It is not in dispute that today the land in question is in occupation of the respondents-authorities and petitioner has been deprived of his constitutional rights. Consequently, we direct the respondents-State to initiate and finalize the proceedings for acquisition of the petitioner's land in occupation of the respondents-State, as per the demarcation now carried out, within a period of four months from today.

With the aforesaid observations, present petition stands disposed of, so also, pending applications(s), if any.

**(Sanjay Karol),
Judge.**

**(Dharam Chand Chaudhary),
December 31, 2013 (KS) Judge.**