

IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA.

*RFA No.4144 of 2013 alongwith  
RFA Nos.4145 of 2013, 4146, 4147,  
4148, 4149, 4150, 4151, 4152, 4153,  
4154, 4155, 4156, 4157, 4158, 4159,  
4160, 4161, 4162, 4163, 4164 and  
4165 of 2013, RFA No.5/2014,  
6/2014, 8/2014 and 9/2014.*

*Decided on : April 30, 2014*

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*RFA No.4144 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Surat Ram and others ...Respondents

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*RFA No.4145 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Pritam Chand and another ...Respondents

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*RFA No.4146 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Pritam Chand and others ...Respondents

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*RFA No.4147 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Chande Ram and others ...Respondents

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*RFA No.4148 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Bhumi Chand and another ...Respondents

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*RFA No.4149 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Jagdish Chand and others ...Respondents

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*RFA No.4150 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Man Dass and another ...Respondents

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*RFA No.4151 of 2013*

Collector Land Acquisition ... Petitioner  
*Versus*

Daya Ram and another ...Respondents

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*RFA No.4152 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Chande Ram and others	...Respondents

*RFA No.4153 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Ramu and others	...Respondents

*RFA No.4154 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Tej Ram and others	...Respondents

*RFA No.4155 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Pune Ram and others	...Respondents

*RFA No.4156 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Tikam Ram and others	...Respondents

*RFA No.4157 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Lal Chand and another	...Respondents

*RFA No.4158 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Pari Dutt and others	...Respondents

*RFA No.4159 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Chet Ram and others	...Respondents

*RFA No.4160 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Hem Raj and others	...Respondents

*RFA No.4161 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Moti Ram and others	...Respondents

*RFA No.4162 of 2013*

Collector Land Acquisition	... Petitioner
<i>Versus</i>	
Moti Ram and others	...Respondents

<i>RFA No.4163 of 2013</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Om Dutt and others	...	Respondents
<i>RFA No.4164 of 2013</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Revti Ram and others	...	Respondents
<i>RFA No.4165 of 2013</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Khimi Ram and another	...	Respondents
<i>RFA No.5 of 2014</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Nantu and others	...	Respondents
<i>RFA No.6 of 2014</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Pritam Chand and another	...	Respondents
<i>RFA No.8 of 2014</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Krishan Dev and others	...	Respondents
<i>RFA No.9 of 2014</i>		
Collector Land Acquisition	...	Petitioner
<i>Versus</i>		
Amar Chand and others	...	Respondents

*Coram:*

**The Hon’ble Mr. Justice Sanjay Karol, Judge.**

*Whether approved for reporting? No*

For the Petitioners	:	Mr. Vijay Arora, Advocate.
For the Respondents	:	Mr. Naveen K. Bhardwaj, Advocate for respondents.
		Mr. Shrawan Dogra, A.G. with Mr. M.L. Chauhan and Mr. R.S. Verma, Addl. A.Gs. for State.

**Sanjay Karol, J.** (oral)

For the purpose of construction of Parbati Hydro Electric Project, land belonging to poor villagers-respondents herein was acquired. Proceedings under the provisions of Land Acquisition Act, 1894 (hereinafter referred to as the Act) commenced with the issuance of notification dated 21.3.2006 under Section 4 of the Act. The same was published in the daily news paper on 24.4.2006. Notification under Sections 6 and 7 of the Act was published in the Gazette on 10.3.2007. Award under Section 11 of the Act, was passed by the Land Acquisition Collector on 18.7.2009 on which date, possession of land, from the respondents, was also taken over under the provisions of the Act.

2. Aggrieved thereof and dissatisfied with the compensation so determined by the Collector, various petitions under Section 18 of Act were filed by the land owners, seeking enhancement of compensation so awarded by the Collector. The same stand decided in terms of common impugned award dated 3.4.2013, District Judge, Kullu, H.P. The amount stands enhanced to ₹19,580/- per biswa.

3. Significantly, before the Court below, claimants placed on record earlier award dated 31.8.2010 passed by Additional District Judge, Kullu in Reference Petition No.31/2008, titled as *Mohar Singh and others vs. Collector Land Acquisition and another* (Ex. PW1/F). Claimants also placed on record award dated 28.2.2011, in Reference

Petition No.59/2009, titled as Tripta and another vs. Collector, Land Acquisition and others (Ex.P-1). Certain sale deeds were also placed on record by the claimants. The appellants herein, to rebut the claim of the respondents herein, placed on record award dated 19.11.2011 passed in Land Reference Petition No.54 of 2009, titled as *Tej Singh and others vs. collector Land Acquisition and others* by the Additional District Judge, Fast Track, Kullu. Also sale deeds (marked documents Mark R-1 to R-5) were placed on record.

4. Significantly, Court below, while passing the impugned award has only taken into account award Ex.PW1/F.

5. Challenge to the impugned award is on the ground that neither there is any material, nor any cogent evidence on record to establish the nature, category, classification, quality, potential and similarity of the acquired land with that of the land covered under the award relied upon. It is also argued that parties could not prove the sale deeds so placed on record on account of non examination of vendor and vendee. Also other awards stand ignored.

6. Mr. Vijay Arora, learned counsel for the appellants invites my attention to the decision of the apex Court in *Ramanlal Deochand Shah vs. State of Maharashtra & Anr. (2013) 14 SCC 50*.

7. Appreciating the ratio of law laid down by the apex Court, as also considering the fact that parties, more particularly the appellants herein, could not lead evidence

with regard to award placed on record, in my considered view, interest of justice would be met if matter is remanded back to the Court below for consideration afresh, after affording opportunity of leading evidence to the parties.

8. As such, impugned award dated 3.4.2013, passed by District Judge, Kullu, H.P., is quashed and set aside with the following directions:-

- (i) Reference petitions stand revived.
- (ii) Parties, as agreed, shall appear before the District Judge on 30.5.2014.
- (iii) The Court shall fix dates for leading evidence by both the parties.
- (iv) Proceedings stand expedited. Reference petitions shall be decided within a period of six months from the date of appearance so fixed.
- (v) Fresh award shall be passed, in accordance with law, on the basis of entire material, including the one already placed on record by the parties.

With the aforesaid observations, present appeals stand disposed of, so also, pending application(s), if any.

*April 30, 2014 (KS)*

**(Sanjay Karol), J.**