

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 30th DAY OF JUNE, 2022

BEFORE

HON'BLE MR. JUSTICE AJAY MOHAN GOEL

CIVIL WRIT PETITION No. 3277 of 2020 a/w
CIVIL WRIT PETITION No. 91 of 2021 &
CIVIL WRIT PETITION No. 212 of 2021

CIVIL WRIT PETITION No. 3277 of 2020

Between:-

MOHAN LAL, S/O SH. SHUKRU
RAM, RESIDENT OF VILLAGE
HATTON (KANCHI MOD), P.O. SHIVA
BADAR, TEHSIL SADAR, DISTRICT
MANDI, H.P.

...PETITIONER

(BY SHRI VINOD CHAUHAN, ADVOCATE)

AND

1. NATIONAL HIGHWAY AUTHORITY
OF INDIA, THROUGH ITS PROJECT
DIRECTOR (NHAI) AT VILLAGE
BAGLA, P.O. GUTKAR, DISTT.
MANDI, HIMACHAL PRADESH.
2. M/S AFFCON INFRASTRUCTURE
LTD. PANDOH BYE-PASS TAKOLI
PROJECT, VILLAGE BANALA, P.O.
AUT, TEHSIL AUT, DISTRICT MANDI,
H.P. THROUGH ITS PROJECT
DIRECTOR.
3. THE LAND ACQUISITION
COLLECTOR, SLU, PANDOH,
N.H.DIVISION PANDOH, DISTRICT
MANDI, H.P.
4. S.P. PANDOH-TAKOLI HIGHWAY
PRIVATE LIMITED, JYONI ROAD,
BATHLI, VILLAGE & P.O. PANDOH,

TEHSIL MANDI SADAR, DISTRICT
MANDI (HP)-175124 THROUGH ITS
SENIOR MANAGER SURAJ SINGH.

....RESPONDENTS

(SHRI K.D. SHREEDHAR, SENIOR
ADVOCATE, WITH MS. SNEH BHIMTA,
ADVOCATE, FOR R-1/NHAI.

SHRI R.L. VERMA, ADVOCATE, VICE SHRI
P.P. CHAUHAN, ADVOCATE, FOR R-2.

M/S SUMESH RAJ, DINESH THAKUR &
SANJEEV SOOD, ADDITIONAL ADVOCATE
GENERALS, WITH MR. AMIT KUMAR
DHUMAL, DEPUTY ADVOCATE GENERAL
AND MR. MANOJ BAGGA, ASSISTANT
ADVOCATE GENERAL, FOR R-3.

SHRI RAMAN SETHI, ADVOCATE, FOR R-4)

CIVIL WRIT PETITION No. 91 of 2021

Between:-

1. DAULAT RAM, SON OF SH. GOVIND
RAM, AGE ABOUT 31 YEARS,
RESIDENT OF VILLAGE DUNGAR,
POST OFFICE MAHOGI, TEHIL AUT,
DISTRICT MANDI, H.P.
2. JITENDER KUMAR, SON OF SH.
GOVIND RAM, RESIDENT OF
VILLAGE DUNGAR, POST OFFICE
MAHOGI, TEHSIL AUT, DISTRICT
MANDI, H.P.

...PETITIONERS

(BY SHRI VINOD CHAUHAN, ADVOCATE)

AND

1. NATIONAL HIGHWAY AUTHORITY
OF INDIA, THROUGH ITS PROJECT
DIRECTOR (NHAI) AT VILLAGE

**BAGLA, P.O. GUTKAR, DISTRICT
MANDI, HIMACHAL PRADESH.**

- 2. M/S AFFCON INFRASTRUCTURE
LTD. PANDOH BYE-PASS TAKOLI
PROJECT, VILLAGE BANALA, P.O.
AUT, TEHSIL AUT, DISTRICT MANDI,
H.P. THROUGH ITS PROJECT
DIRECTOR.**
- 3. DEPUTY COMMISSIONER, MANDI,
DISTRICT MANDI, HIMACHAL
PRADESH.**
- 4. THE LAND ACQUISITION
COLLECTOR, SLU, PANDOH, N.H.
DIVISION PANDOH, DISTRICT
MANDI, H.P.**

....RESPONDENTS

**(SHRI K.D. SHREEDHAR, SENIOR
ADVOCATE, WITH MS. SNEH BHIMTA,
ADVOCATE, FOR R-1/NHAI.**

**SHRI R.L. VERMA, ADVOCATE, VICE SHRI
P. P. CHAUHAN, ADVOCATE, FOR R-2.**

**M/S SUMESH RAJ, DINESH THAKUR &
SANJEEV SOOD, ADDITIONAL ADVOCATE
GENERALS, WITH MR. AMIT KUMAR
DHUMAL, DEPUTY ADVOCATE GENERAL
AND MR. MANOJ BAGGA, ASSISTANT
ADVOCATE GENERAL, FOR R-3 & R-4.**

CIVIL WRIT PETITION No. 212 of 2021

Between:-

**NAND LAL, S/O SH. RAM SINGH,
R/O VILLAGE DUNGAR, P.O.
MAHOGI, TEHSIL AUT, DISTRICT
MANDI, H.P.**

...PETITIONER

(BY SHRI VINOD CHAUHAN, ADVOCATE)

AND

1. **NATIONAL HIGHWAY AUTHORITY OF INDIA, THROUGH ITS PROJECT DIRECTOR (NHAI) AT VILLAGE BAGLA, P.O. GUTKAR, District MANDI, H.P.**
2. **M/S AFFCON INFRASTRUCTURE LTD. PANDOH BYE-PASS TAKOLI PROJECT, VILLAGE BANALA, P.O. AUT, TEHSIL AUT, DISTRICT MANDI, H.P. THROUGH ITS PROJECT DIRECTOR.**
3. **THE LAND ACQUISITION COLLECTOR, SLU, PANDOH, N.H. DIVISION PANDOH, DISTRICT MANDI, H.P.**

....RESPONDENTS

(SHRI K.D. SHREEDHAR, SENIOR ADVOCATE, WITH MS. SNEH BHIMTA, ADVOCATE, FOR R-1/NHAI.

SHRI R. L. VERMA, ADVOCATE, VICE SHRI P. P. CHAUHAN, ADVOCATE, FOR R-2.

M/S SUMESH RAJ, DINESH THAKUR & SANJEEV SOOD, ADDITIONAL ADVOCATE GENERALS, WITH MR. AMIT KUMAR DHUMAL, DEPUTY ADVOCATE GENERAL AND MR. MANOJ BAGGA, ASSISTANT ADVOCATE GENERAL, FOR R-3.

Whether approved for reporting? No.

These petitions coming on for hearing this day, the Court passed the following:-

J U D G M E N T

By way of these writ petitions, the petitioners have prayed for issuance of directions to the respondents to acquire their lands as also

houses after paying compensation alongwith interest on the ground that in the case of construction of National Highway, their houses/lands have been damaged.

2. Today, Mr. K. D. Shreedhar, learned Senior Counsel, appearing for the National Highway Authority of India has submitted that in the entire State where National Highways are being constructed, there are disputes pertaining to the alleged damage caused to the structures/lands of people outside the "Right of Way". To determine the genuineness of the claims, in all Districts, the State of Himachal Pradesh constituted Committees headed by the concerned Deputy Commissioner. This was done in terms of Notification dated 8th June, 2022, which otherwise is on record. Learned Senior Counsel further stated that the claims received either by the National Highway Authority of India or Competent Authority for Land Acquisition were referred to this Committee. The damage was assessed by the Committee and thereafter, the report of assessment was forwarded to the Head Office of National Highway Authority of India. Learned Senior counsel further stated that now the Head Office has made its own assessment with regard to the damages which are payable to the petitioners and in case the petitioners are willing to accept the compensation so assessed, then the same can be paid to them by putting a quietus to these litigations. Learned Senior Counsel further submitted that this will be full and final settlement of the claims of the petitioners as far as National Highway Authority of India is concerned. Learned Senior Counsel while drawing the attention of the

Court to the latest compliance affidavit which has been filed in the cases by the Deputy Commissioner, Mandi has submitted that in terms of communication dated 14th May, 2022 addressed to the Deputy Commissioner, the approved proposal of damages stands conveyed to the Commissioner.

3. Learned counsel for the petitioners submitted that he has instructions to state that the petitioners are willing to put a quietus to these litigations by accepting the damages as have been assessed by the National Highway Authority of India.

4. In view of what has been discussed above, without going into the merits of the issues raised in the present petitions, the same are ordered to be closed by directing that as agreed, the damages as have been assessed by the NHAI, be released in favour of the petitioners as expeditiously as possible and not later than 31st August, 2022, in their bank accounts, details whereof shall be provided by them to the office of the Deputy Commissioner and receipt of the same by the petitioners shall be as full and final acceptance of whatever compensation was due to them from the National Highway Authority of India. Interim orders, if any, also stand vacated forthwith. Miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

June 30, 2022
(bhupender)