



**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

RFA No. 179 of 2017

Reserved on: 06.05.2026

Date of decision: 11.05.2026

Land Acquisition Officer HPPWD & another
.....Appellants.

Versus

Hari Singh & others
.....Respondents.

Coram

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

¹ *Whether approved for reporting?*

For the appellants: Mr. B.N. Sharma, Additional
Advocate General.

For the respondents: Mr. H.S. Rangra, Advocate.

Sushil Kukreja, Judge.

The instant appeal has been preferred by the appellants/State, who were respondents before the learned Court below (hereinafter referred to as “the appellants”) under Section 54 of the Land Acquisition Act, 1894 (for short “the Act”) against award dated 27.04.2016, passed by learned Additional District Judge-II, Mandi, District Mandi H.P. (hereinafter referred to as “the learned Reference Court”), in LAC Petition No. 1/2015/2011, whereby the petition filed by the petitioners/claimants (respondents

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



herein) was allowed.

2. The brief facts of the case are that State of H.P., issued notification under Section 4 of the Act, which was published in Rajpatra on 20.09.2006 and published in news papers, i.e., Amar Ujala on 09.08.2006 and in Dainik Tribune on 10.08.2006. Local publicity was done on 04.10.2006. The aforesaid notification was issued for acquisition of land for construction of Syanj link road, wherein the land of the petitioners/claimants (respondents herein), comprised in khewat No. 62, khatauni No. 77, Khasra No. 502/1, measuring 1-8-17 bighas, situated in Mauza Sainj HB 70 Illaqua Kasan, Tehsil Chachiot, District Mandi, H.P., was acquired for the aforesaid purpose. As per the claimants, the Land Acquisition Collector had not granted award qua khasra No. 502/1, measuring 1-8-17 bighas on the ground that the land owners had obtained this khasra No. from the government under Nautor Rules 1968 and as per the directions of this Court in CWP No. 676 of 1998, titled Bresti Ram vs. State of H.P., which was decided on 20.04.1999, the land owners are not entitled for compensation of their acquired nautor land.

2(a). The petitioners/claimants, feeling dissatisfied with



the award of the Land Acquisition Collector, preferred a petition under Section 18 of the Act before the learned Reference Court on the ground that the non-passing of award by the Collector qua khasra No. 502/1 is bad in the eyes of law.

3. The learned Reference Court allowed the petition of the petitioners/claimants and held them entitled for compensation of khasra No. 502/1 on the same rate, terms and conditions as decided by learned Additional District Judge-I, Mandi, H.P., while decided bunch of reference petitions arising out of same award, i.e., award No. 3 by common judgment, Ex. PW-1/B, on 17.03.2012. The petitioners were also held entitled for solatium @ 30%, additional compensation @ 12% per annum and interest etc..

4. I have heard the learned Additional Advocate General for the appellants/State, learned counsel for the respondents and also carefully examined the records.

5. Learned Additional Advocate General contended that the impugned award is against facts and law, thus the same is liable to set-aside. He further contended that the learned Reference Court had gravely erred in granting compensation to the petitioners/claimants, as the land under



acquisition had been allotted to the petitioners under Nautor Rules and as per this Patta condition, no compensation is admissible to the allottee if the land is subsequently utilized by the State for construction of public road.

6. Conversely, learned counsel for the respondents supported the impugned award. He contended that the learned Reference Court had rightly held the petitioners/claimants entitled for compensation of khasra No. 502/1 on the same rate, terms and conditions, as decided by learned Additional District Judge-I, Mandi, H.P., while deciding bunch of reference petitions arising out of same award, i.e., Award No. 3 by common judgment, Ex.PW-1/B, on 17.03.2012 and the instant appeal, being devoid of merits, be dismissed.

7. I have heard learned Additional Advocate General for the appellants/State, learned Counsel for the respondents and carefully examined the entire records.

8. The only question which arises for consideration in this appeal is as to whether the petitioners/claimants are entitled for compensation for their land acquired by the State for the construction of the road, which land was allotted to them under the Nautor Rules. This question is no longer *res*



integra in view of the judgment passed by the Hon'ble Supreme Court in ***The Special Land Acquisition and Rehabilitation Officer, Sagar vs. M.S. Seshagiri Rao & another, AIR 1968 Supreme Court 1045.*** The relevant paras of the aforesaid judgment are reproduced as under:

"3. The government of Mysore did not purport to exercise the power reserved by the terms of the grant, and adopted the procedure prescribed by the Land Acquisition Act. The High Court observed, replying upon the decision of the House of Lords in Attorney-General v. De Kayser's Royal Hotel Ltd., 1920 AC 508 that the Government could not, after adopting the procedure prescribed by the Land Acquisition Act, seek to resort to the conditions of the grant and claim that no compensation for acquisition of the land was payable. It is true that after obtaining possession of the land in pursuance of statutory authority under S. 17, the Government of Mysore could not seek to exercise the option conferred by the terms of the grant. But on that account in assessing compensation payable to the grantees, existence of the condition which severely restricted their right could not be ignored. The grantees were entitled to compensation for the land of which the ownership was vested in them. The measure of that compensation is the market value of the land at the date of the notification, and the measure of that market value is what a willing purchaser may at the date of the notification under S. 4 pay for the right to the land subject to the option vested in the Government.

... ..

7. But the view expressed by the District Court that the grantees are not entitled to any compensation for the land cannot be sustained. The District Court was



bound to determine the market value, at the date of the notification under S. 4 of the Land Acquisition Act, of the interest of the grantees in the land.”

9. The aforesaid judgment was relied upon by this Court in **CWP No. 1439 of 2002**, titled as **Vijay Kumar & others vs. State of H.P. & others**, wherein it has been held as under:

“I am of the firm view that the petitioners are entitled to get the compensation of the land comprising khasra No. 267/1 measuring 1-11-14 bighas and the same has been wrongly left out by the Land Acquisition Officer in his award dated 6th April, 2000. The Land Acquisition Officer has come to a wrong conclusion that the land of the petitioners has been resumed by the State, which admittedly could be done in accordance with the provisions of Himachal Pradesh Nautor Rules, 1968.”

10. In the instant case also, the appellants/state has placed nothing on record to show that the Nautor grant to the petitioners/claimants was ever revoked and that the land of the petitioners/claimants has been resumed by the State. Therefore, the present case is squarely covered by the aforesaid judgments of the Hon'ble Supreme Court as well as by our own High Court. Hence, the learned Reference Court had rightly held the petitioners entitled for compensation with respect to Khasra No. 502/1 on the same rate, terms and conditions, as decided by learned Additional



District Judge-I, Mandi, H.P., while deciding bunch of reference petitions arising out of same award alongwith all statutory benefits.

11. No other point was urged before this Court.

12. In view of what has been discussed hereinabove, no interference is required in the impugned judgment. The appeal, which sans merits, deserves dismissal and is accordingly dismissed.

Pending application(s), if any, shall also stand(s) disposed of.

(Sushil Kukreja)
Judge

11th May, 2026
(virender)