

(2022) 12 SHI CK 0012

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 131 Of 2013

State Of Himachal Pradesh And Others

APPELLANT

Vs

Vijay Kumar

RESPONDENT

Date of Decision : 08-12-2022

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 18

Citation : (2022) 12 SHI CK 0012

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Desh Raj Thakur, Manoj Bagga

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. By way of instant appeal, the award dated 03.05.2012 passed by learned Additional District Judge (II), Kangra at Dharamshala, H.P. in RBT Reference Case No. 37-J/2011/2006 has been assailed by the beneficiaries. The various lands came to be acquired in Mohal and Mauza Rajpalwan, Tehsil Fatehpur, District Kangra for construction of 'Shah Nehar Project'. The notification under Section 4 of the Land Acquisition Act (for short, 'the Act') was published in H.P. Rajpatra on 20.02.1999.

The Land Acquisition Collector passed the award on 29.01.2002. The respondent herein was awarded compensation to the tune of Rs.12406/- against 0-01-70 hectares of land acquired for the abovementioned public purpose.

2. Dis-satisfied with the award of Land Acquisition Collector, the respondent herein preferred Reference Petition under Section 18 of the Land Acquisition Act, which was registered as RBT Reference Case No. 34-J/2011/2006 in the court of learned Additional District Judge (II), Kangra at Dharamshala. The aforesaid reference case was clubbed with other reference cases bearing Nos.37-J/2011/2006, 35-J/2011/2006,38-J/2011/2006,39-J/2011/2006, 40-

J/2011/2006,42-J/2011/2006,44-J/2011/2006, 45-J/2011/2006, 43-J/2011/2006, 32-J/2011/2006, 33-J/2011/2006, 36-J/2011/2006 and 41-J/2011/2006.

3. The learned Additional District Judge (II), Kangra at Dharamshala vide a common award dated 03.05.2012, decided all the above referred reference cases including Reference case No. 34-J/2011/2006, which is the subject matter of instant appeal.

4. The Land Acquisition Collector had assessed the market value of acquired land at different rates, classifications/category-wise. The reference Court, however, re-determined the market value of acquired land vide impugned award dated 03.05.2012 and assessed the same at the rate of Rs.7.5 lacs per hectare on uniform basis irrespective of the classifications and category of the land.

5. It is not disputed that the appeals arising out of the award dated 03.05.2012 passed by learned Additional District Judge (II), Kangra at Dharamshala in reference cases Nos.37-J/2011/2006, 35-J/2011/2006, 38-J/2011/2006, 39-J/2011/2006,40-J/2011/2006,42-J/2011/2006, 44-J/2011/2006, 45-J/2011/2006, 43-J/2011/2006, 32-J/2011/2006, 33-J/2011/2006, 36-J/2011/2006 and 41-J/2011/2006 stands decided by a common judgment passed by a co-ordinate Bench of this Court on 03.08.2018 in RFA Nos. 118 of 2013 to 120 of 2013 and 123 of 2013 to 130 of 2013. The aforesaid appeals had arisen out of similarly situated claimants, as also very same acquisition proceedings, arising out of very same notification under Section 4 of the Act vide aforesaid judgment dated 03.08.2018 of this Court. The fact of matter is that vide judgment dated 01.06.2016, passed in RFA No. 953 of 2012, titled as Land Acquisition Collector & another vs. Jatinder Singh, alongwith other connected matters, another appeal arising out of the same acquisition proceedings was also decided by a co-ordinate of this Court and on the basis of said judgment, RFA No.118 of 2013 to 120 of 2013 and 123 of 2013 to 130 of 2013 were also decided.

6. The present appeal is squarely covered by the said decision, for the issues involved are identical. This fact is not disputed. As such, the present appeal stands disposed of, in terms of the judgment dated 01.06.2016 passed in RFA No. 953 of 2012, titled as Land Acquisition Collector & another vs. Jatinder Singh and judgment dated 03.08.2018 passed in RFA No. 118 of 2013 to 120 of 2013 and 123 of 2013 to 130 of 2013. The directions issued in the aforesaid judgments shall mutatis mutandis apply to the instant case also. Pending application(s), if any, also stand disposed of accordingly.