

(2020) 09 SHI CK 0073

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 370 Of 2018

State of H.P. & Ors

APPELLANT

Vs

Kripal Singh & Ors

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Land Acquisition Rehabilitation And Resettlement Act, 2013 — Section 4, 64

Citation : (2020) 09 SHI CK 0073

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : R.P. Singh, Vijay Chaudhary

Final Decision : Dismissed

Judgement

Vivek Singh Thakur, J

1. This appeal has been preferred by the State against the award dated 11.9.2017, passed in L.A.C. Petition No. 17/2016, titled as Kripal Singh & others Vs. State of H.P. & others.

2. In this case, appellants/State had acquired land located in Mohal Parchhod, Tehsil Bhattiyat, District Chamba, H.P. for public purpose, i.e. for construction of Finna Singh Medium Irrigation Scheme, after resorting to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred to as the Act for short), by issuing common notification dated 22.6.2013 under Section 4 of the Act, which was published in Raj Patra on 25.6.2013. After completing the codal formalities, Land Acquisition Collector had determined the value of land ranging from Rs.3520/- per biswa to Rs.23,320/- per biswa, on the basis of classification of land, by passing a common Award No. 329, dated 17.10.2015.

3. Being aggrieved by value of land determined by the Land Acquisition Collector, respondents/claimants/land owners had preferred Reference Petitions under Section 64 of the Act for enhancement of the compensation. Reference Court has

determined the value of land at uniform rate by taking into consideration the highest value determined by Land Acquisition Collector i.e. Rs. 23,320/- per biswa.

4. Land in question was acquired by the State for construction of irrigation scheme and has been fully utilized for the said purpose, without undertaking any activity of development for utilization of the same. The purpose for which the land has been acquired has no relevance with the classification or quality of land under acquisition and it is settled law that in such a situation value of entire acquired land is to be determined at uniform rate, irrespective of its kind, nature, classification and category. (See Haridwar Development Authority Vs. Raghubir Singh & others, (2010) 11 SCC 581, Union of India Vs. Harinder Pal Singh and others 2005 (12) SCC 564, Nelson Fernandes Vs. Special Land Acquisition Officer, 2007 (7) SCC 447, Gulabi and etc. Vs. State of H.P. AIR 1998 H.P, Himmat Singh and others Vs. State of Madhya Pradesh and another, (2013)16 SCC 392, Peerappa Hanmantha Harijan (Dead) by Legal Representatives and others Vs. State of Karnataka and another, (2015) 10 SCC 469, as also RFA No. 953 of 2012, titled as Land Acquisition Collector & another Vs. Jatinder Singh, decided on 1.6.2016 and RFA No. 202 of 2016 alongwith connected matters, titled as Land Acquisition Collector HPPCL Vs. Daleep Singh and others, decided on 16.8.2018).

5. It is undisputed that Appeal i.e. RFA No. 182 of 2019, arising out of the land Reference Case, alongwith other connected appeals pertaining to the same notification, with respect to the Acquisition of Land for the same purpose, have already been dismissed on 6.11.2019 by this Court.

6. In view of aforesaid discussion, I find no infirmity, irregularity, illegality or perversity in the value determined by the Reference Court at uniform rate, which is nothing, but highest value of the acquired land, as determined by the Land Acquisition Collector.

In view of above discussion, I find no merits in the present appeal. Accordingly, the same is dismissed.