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**(2015) 09 SHI CK 0057**

**In the High Court Of Himachal Pradesh**

**Case No : Regular First Appeal No. 157 of 2005**

Union of India

APPELLANT

Vs

Rattan Dass and Others

RESPONDENT

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**Date of Decision : 07-09-2015**

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18

**Citation : (2015) 09 SHI CK 0057**

**Hon'ble Judges : Sureshwar Thakur, J**

**Bench : Single Bench**

**Advocate : Neel Kamal Sharma, CGSC, for the Appellant; Sanjay K. Sharma, Advocates for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

Sureshwar Thakur, J—The land of the claimant/respondent No. 1 was acquired by the Land Acquisition Collector, Anni. His land is situated in Village Averi, Phati and Teh. Nirmand, District Kullu, H.P. The land of the claimant/respondent No. 1 was acquired for defence purpose. The Land Acquisition Collector vide Award No. 1 of 1998 of 19.03.1998, determined the market value of the acquired land categorywise as under:--

2. The award of the Land Acquisition Collector was subjected to impeachment by way of the land holders/land owners preferring reference petition under Section 18 of the Land Acquisition Act before the learned District Judge, Kinnaur at Rampur Bushahr, H.P. In the impugned award, the learned District Judge, Kinnaur at Rampur Bushahr, on a consideration of the material as laid before him, had enhanced compensation as awarded to the claimants by the Land Acquisition Collector. The learned District Judge, Kinnaur at Rampur Bushahr in his impugned award has come to enhance the market value of the acquired land to Rs. 60,000/- per bigha irrespective of classification of the land.

3. The appellant herein/respondent No. 3 before the learned Court below, is

aggrieved by the Award rendered by the learned District Judge, Kinnaur at Rampur Bushahr and consequently, by way of the present appeal, has, hence, challenged the impugned award before this Court.

4. The learned counsel appearing for the parties have been heard at length.

5. During the course of arguments, the learned counsel appearing on behalf of the parties have jointly submitted before this Court that similar appeals arising out of the same acquisition proceedings and from a common award on reference by the learned District Judge, Kannaur at Rampur Bushahr, came to be decided by a Coordinate Bench of this Court after taking into consideration the evidence available on record, as also, the legal aspect of the matter. RFA No. 246 of 2004, titled Union of India v. Joginder Singh and others, along with other analogous appeals came to be disposed of vide a common judgment of 16th December, 2008. Its perusal divulges that the appeals decided thereby also pertain to the same acquisition proceedings as also a common award of both, the Land Acquisition Collector as well as of the learned District Judge, Kannuar at Rampur Bushahr in reference petitions. The evidence produced by the parties in those petitions and the present one before learned District Judge, Kinnaur at Rampur Bushahr is also identical in nature. A Co-ordinate Bench of this Court having gone through the evidence and also the law laid down by the Apex Court, has upheld the common award in reference petitions rendered by the learned District Judge, Kannaur at Rampur and dismissed the appeals. Being so and also with the point in issue in this appeal standing covered by the aforesaid judgment, this appeal also deserves to be dismissed.

6. In view of the fact that exactly similar appeals, filed by the appellant, have already been dismissed in the aforesaid terms, the present appeal, filed by the appellant, is also dismissed on the same terms. No order as to the costs.