

ITEM NO.11+32

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 49057/2024

[Arising out of impugned final judgment and order dated 27-03-2024 in LPA No. 54/2017 passed by the High Court of Himachal Pradesh at Shimla]

THE STATE OF HIMACHAL PRADESH & ORS.

Petitioner(s)

VERSUS

UPENDER KUMAR

Respondent(s)

(IA No.262104/2024-CONDONATION OF DELAY IN FILING)

WITH

Diary No(s). 49059/2024 (XIV)

(FOR ADMISSION and I.R. and IA No.260939/2024-CONDONATION OF DELAY IN FILING)

Diary No(s). 49009/2024

(IA No.263945/2024-CONDONATION OF DELAY IN FILING)

Date : 22-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Varinder Kumar Sharma, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.

2. We have come across several matters wherein the State of Himachal Pradesh has challenged the orders passed by the Division Bench of the High Court of Himachal Pradesh, thereby

VERDICTUM.IN

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directing the compensation to be paid to the respondent(s).

3. The writ petitioner(s) has approached the High Court with a grievance that though the possession of their lands were taken for road construction, they did not receive compensation.

4. By the impugned judgment and order, the High Court has held that the State cannot take possession of citizen land without paying the compensation.

5. Although the right to property is no longer considered a fundamental right, it is still a constitutional right. The State cannot be permitted to acquire citizen land without paying appropriate compensation.

6. In these circumstances, it would have been justified in dismissing the special leave petition(s) with exemplary cost. However, we refrain from doing so now and simply dismiss these special leave petitions.

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

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)