



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

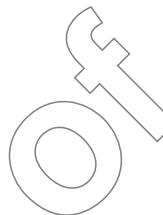
**CWPIL No. 29 of 2004 alongwith CWP
No.1358 of 2006**
Judgment reserved on: 28.6.2013
Date of decision: 12.8.2013.

CWPIL No. 29 of 2004

P.C.Guleria

Vs.

State of H.P. and others



..... Petitioner.

CWP No. 1358 of 2006

Servants of People Society (Regd.)

...Petitioner

Vs.

State of H.P. and others

...Respondents.

Coram

The Hon'ble Mr. Justice A.M.Khanwilkar, Chief Justice.

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting ? Yes

For the Petitioner(s) : Mr. B.C.Negi, Advocate in CWPIL No. 29 of 2004 and Mr. K.D.Sood, Senior Advocate, with Mr. Sanjeev Sood, Advocate, in CWP No. 1358 of 2006.

For the Respondents : Mr. Shrawan Dogra, A.G. with Mr. Romesh Verma & Mr. Anup Rattan, Addl. A.Gs., for respondents No. 1 to 3, in both the petitions.

Mr. K.D.Sood, Senior Advocate with Mr. Sanjeev Sood, Advocate, for respondents No. 5 to 7 in CWPIL No. 29 of 2004.

Mr. Ravinder Thakur, Central Govt. Standing Counsel, for respondent No.8 in CWPIL No. 29 of 2004.

Mr. Rakesh Dogra, Advocate, for respondent No.4, in CWP No. 1358 of 2006.

Kuldip Singh, Judge

This judgment shall dispose of CWPIL No. 29 of 2004 and CWP No. 1358 of 2006 as common questions of law are involved in both

¹ Whether reporters of Local Papers may be allowed to see the Judgment ? Yes

the petitions.

CWPIL No. 29 of 2004

2. The legality of the gift deed dated 19.9.1966 executed by Gram Panchayat, Rachhialu in favour of respondent No.7 Servants of People Society, Lajpat Bhawan, Lajpat Nagar, New Delhi of 25 acres of land has been questioned in the writ petition.

3. The brief facts are that on 14.1.1995, the residents of Villages Kuthman, Rachhialu, and other adjoining villages made a representation to the then Hon'ble Chief Justice, alongwith letter of even date of petitioner. The High Court took cognizance of the representation and on 12.9.1996 in CWP No. 333 of 1995 passed the following order:

"The complaint made by the petitioner is against the alleged misconduct of the Panchayat for having donated certain village common land to a Society called Servants of the People Society.

The first respondent is directed to conduct an enquiry through an appropriate official with regard to the truth of the matter and take appropriate action, if and when necessary.

With the above direction, this writ petition is disposed of."

4. In pursuance of order dated 12.9.1996, the Additional District Magistrate, Kangra submitted inquiry report dated 18.6.2004 to Deputy Commissioner, Kangra on 18.6.2004. The petitioner on 24.9.2004 submitted another representation to the then Hon'ble Chief Justice with the request to call for the inquiry report from the State Government and decide the matter in question in continuation of earlier CWP No. 333 of 1995. The High Court took cognizance of the matter.

5. The grievance of the petitioner is that in the year 1966 some outside persons claiming to be representatives of respondent No.7 offered to construct a public library and meeting hall provided some land was given to them for the purpose. The Panchayat allegedly agreed to

gift 5 acres of village common land. Later on it was revealed that the Panchayat instead allegedly gifted 25 acres land. The gift is shrouded in mystery inasmuch as relevant resolutions of the Panchayat are not available in the record. The land was allegedly gifted in the year 1966 but thereafter no efforts were made for construction of library building and meeting hall.

6. In the meantime, Gagal Airport came up in the area, some persons woke up from their slumber and claimed huge compensation regarding land allegedly gifted to respondent No.7 in the year 1966. They also claimed possession of left over land from the gifted land not acquired for Gagal Airport. At that stage, CWP No. 333 of 1995 was filed and thereafter the present writ petition.

7. The respondent No.3 in the reply has stated that land measuring 25 acres had been gifted by Gram Panchayat, Rachhialu on 19.9.1966 to Servants of People Society, Lajpat Bhawan, Lajpat Nagar, New Delhi for construction of library and meeting hall in the memory of late Lala Lajpat Rai. The Society after the gift has made no efforts for the construction of library or hall. The land measuring 14½ acres from 25 acres gifted land was acquired for the construction of Gagal Airport, compensation ₹33,37,627/- was given, which was kept in the bank by the Society. Ranjit Singh was life member of the Society, he had transferred the money from Banks of Gagal to Banks at Bangana. The respondent No.7 did not make any effort for fulfillment of the aim of the Society for which the land had been gifted by the Panchayat to respondent No.7 in the year 1966.

8. The Additional District Magistrate, Kangra completed the inquiry and submitted his report dated 18.6.2004, the matter was referred

to Principal Secretary (Cooperation), H.P. Government for taking up the matter to the Government of Punjab as the headquarter of branch office of the Society was located at Chandigarh, reminder was issued on 19.10.2004. After utilizing 14½ acres acquired land for construction of Gagal Airport, remaining 9½ acres of the gifted land is still with respondent No.7. The memory hall could not be constructed as the area falls within the restricted area of Gagal Airport where no construction is permitted. The respondent No.3 has submitted for passing appropriate order. The respondent No.1 has also filed reply and has taken more or less the same pleas as taken by respondent No.3. The respondent No.1 has however, stated that 10½ acres remaining land is with respondent No.7.

9. The respondents No. 5 to 7 have contested the petition by filing joint reply. They have taken preliminary objections that the petition has been filed in order to gain cheap publicity, which is abuse of the process of the Court. The petition is devoid of merit. The petitioner has not approached the Court with clean hands. The petitioner is not resident of village Rachhialu nor he is a member of the Panchayat. He is acting for his own personal interest for creating political image in the area. The petitioner has made baseless allegations against respondent No.7-Society. The respondent No.7-Society has made efforts for construction of hall and library in the memory of late Lala Lajpat Rai. But the land was acquired for construction of an aerodrome and 9½ acres of land was allotted in exchange by the H.P. Government nearby.

10. The respondent No.7 has to construct the library and memorial hall on the gifted land. Late Lala Lajpat Rai had great association with District Kangra. The land measuring 25 acres (263

Kanals 15 Marlas) in village Rachhialu for setting up of library and hall in the memory of late Lala Lajpat Rai was given to respondent No.7 by the Gram Panchayat, Rachhailu by resolutions No.7 and 17 dated 18.12.1965 and 15.9.1966, respectively and after resolution No. 18 dated 4.3.1966 of Zila Parishad, Kangra the mutation of the land was attested after approval of the concerned authority. The gift deed was registered in accordance with law applicable in erstwhile State of Punjab.

11. The respondent No.7 had received compensation amounting to ₹33,37,627/- for 15 acres land, the balance 10 acres was exchanged by H.P. Government with another piece of land measuring approximately 9.5 acres in Mohal Jugher, village Bandi, adjacent to Gagal Airport and mutation to this effect has been attested in favour of respondent No.7.

The construction could not be raised by respondent No.7 as at the time of construction of Gagal Airport huge debris was dumped on the land which was given to respondent No.7 by H.P. Government in exchange. The amount of compensation received by respondent No.7 is lying deposited in banks. The respondent No.7 was founded by Lala Lajpat Rai at Lahore in the year 1921. The respondent No.7-Society is a registered body, a host of distinguished personalities of unimpeachable integrity had guided the work of Society as Presidents of the Society.

12. The writ petition is not maintainable, Gram Panchayat had power to utilize and dispose of the land for the benefit of the residents of the village and, therefore, Panchayat gifted the land to respondent No.7 vide gift deed dated 19.9.1966. A part of the gifted land was acquired by the State of Himachal Pradesh vide notification dated 16.11.1988 under Section 4 of the Land Acquisition Act. The award was passed on

29.9.1989. The reference under Section 18 of the Land Acquisition Act was decided vide Reference Petition No. 13 of 1990 by the Additional District Judge, Kangra on 30.8.1993.

13. The respondent No.8 has also filed short reply indicating that no objection certificate has been issued in favour of respondent No.5 for construction of proposed statue of Lala Lajpat Rai and building, however no objection certificate dated 8.12.2010 is subject to Section 9-A of the Aircraft Act, 1934 and notifications issued thereunder from time to time. Ajay Kumar son of Ranjit Singh, respondent No.5 has placed on record factum of death of Ranjit Singh on 11.4.2012.

CWP No. 1358 of 2006

14. The petitioner Servants of People Society (Regd.) Lajpat Bhawan, Lajpat Nagar, New Delhi has filed this petition for quashing Annexure P-13, proceedings of the meeting dated 1.12.2005 under the Chairmanship of Principal Secretary (Tourism) to the Govt. of Himachal Pradesh, letter dated 19.12.2005, Annexure P-14 of Principal Secretary, Govt. of Himachal Pradesh addressed to Deputy commissioner, Kangra for taking necessary action in terms of the meeting dated 1.12.2005, letter dated 14.6.2006, Annexure P-15 of respondent No.3 addressed to Manager, the Kangra Central Co-operative Bank Ltd., Bangana, Manager, Central Bank of India, Bangana for sealing the bank accounts of the Servants of the People Society.

15. It has been stated that the land measuring 25 acres (263 Kanals 15 Marlas) situated in village Rachhialu was gifted to the petitioner by the Gram Panchayat, Rachhialu for setting up library and hall in the memory of late Lala Lajpat Rai. The petitioner started the work in right earnest but in the meantime the activity/survey was started for

acquisition of land for construction of Gagal Airport. A big portion of gifted land was acquired for construction of airport. The petitioner received compensation amounting to ₹33,37,627/- for 15 acres of land, the Himachal Pradesh Government in exchange of 10 acres land gave approximately 9.5 acres to the petitioner in Mohal Jugher, village Bandi adjoining to airport. The petitioner ~~immediately~~ could not raise the construction on the exchanged land as on that land at the time of construction of airport, huge debris was thrown. The Deputy Commissioner vide letter dated 4.2.1992 informed that no construction could be carried on near the airport without the prior permission of the National Airport Authority of India. The petitioner continued to have lengthy correspondence with the concerned authorities for construction of library and hall in memory of late Lala Lajpat Rai on the exchanged land but could not raise construction for reasons beyond its control.

16. In the meantime CWP No. 333 of 1995 was filed which was disposed of on 12.9.1996 with a direction to the State of Himachal Pradesh to conduct an inquiry with regard to the truth of the matter and take appropriate action, if and when necessary. Thereafter, CWPIL No. 29 of 2004 was filed. On 1.12.2005 a meeting was held presided over by Principal Secretary (Tourism) in which decisions were taken for sealing the bank accounts of the petitioner, registration of fraud case against the petitioner and for taking steps for return of remaining 10½ acres of land from the petitioner. The Principal Secretary on 19.12.2005 requested the respondent No.3 to take necessary action in accordance with the meeting held on 1.12.2005. On 14.6.2006, the respondent No.3 had directed respondents No. 4 and 5 for sealing the accounts of the petitioner. A show cause notice dated 22.6.2006 has been issued by respondent No.3

to petitioner for resumption of land. The petitioner has submitted reply dated 17.8.2006 to the show cause. It has been stated that the land was validly gifted by the Panchayat to the petitioner under the Punjab Village Common Lands (Regulation) Act, 1961 vide registered gift deed dated 19.9.1966.

17. The respondents No. 1 to 3 have filed joint reply and in preliminary submissions have stated that in CWP No. 333 of 1995 on 12.9.1996 the High Court gave certain directions. Thereupon the Additional District Magistrate, Kangra submitted his report to the Deputy Commissioner, Kangra on 18.6.2004. The Government had also constituted a Committee headed by the Principal Secretary (Tourism) to the Government of Himachal Pradesh. The Committee directed the Deputy Commissioner, Kangra to take action for sealing bank accounts of the petitioner, register fraud case against the petitioner and take steps for resumption of 10½ acres land from the petitioner. The show cause was served on 22.6.2006 on the petitioner.

18. On merits, it has been stated that 25 acres land was gifted by the Gram Panchayat, Rachhialu on 19.9.1966 to the petitioner for construction of library and meeting hall in the memory of late Lala Rajpat Rai. The petitioner did not take any steps for the construction of library and meeting hall. Out of the gifted land 14½ acres land was acquired for construction of Gagal Airport, ₹33,37,627/- were paid to petitioner on account of compensation for acquiring 5-80-38 hectares for Gagal Airport. In exchange of balance 10 acres land, the petitioner was given land comprised in Khasra No. 4 measuring 4-48-95 hectares in village Jugher vide mutation No. 59 dated 19.2.1982. The petitioner even thereafter did not take steps for construction of library and meeting hall as per the gift

deed. The respondents No. 1 to 3 defended their actions. The petitioner filed rejoinder and reiterated its stand. The respondent No.5 also filed reply and has stated that the bank has sealed FDR of ₹10,00,000/- in compliance to letter dated 14.6.2006 of the Deputy Commissioner, Kangra.

19. We have heard learned counsel for the parties. The core question involved in both the petitions is the legality of registered gift deed dated 19.9.1966 executed by the Gram Panchayat, Rachhialu in favour of Servants of People Society, Lajpat Bhawan, Lajpat Nagar, New Delhi (hereinafter referred to as 'Society'). It is admitted case of the parties that the land comprised in gift deed dated 19.9.1966 was part of village common land and was governed by the Punjab Village Common Lands (Regulation) Act, 1961 (for short the 'Act'). The contention of the petitioner in CWPIL No. 29 of 2004 is that gift deed dated 19.9.1966 is in violation of the Act and the Punjab Village Common Lands (Regulation), Rules 1964 (for short the 'Rules') and, therefore, void.

20. The Section 5 of the Act is as follows:

"5. Regulation of use and occupation, etc. of lands vested or deemed to have been vested in panchayats.(1)

All lands vested or deemed to have been vested in a Panchayat under this Act, shall be utilized or disposed of by the Panchayat for the benefit of the inhabitants of the village concerned in the manner prescribed:

Provided that where two or more villages have a common Panchayat the shamilat deh of each village shall be utilised and disposed of by the Panchayat for the benefit of the inhabitants of that village:

Provided further that where there are two or more shamilat tikkas in a village the shamilat tikka shall be utilised and disposed of by the Panchayat for the benefit of the inhabitants of that tikka:

Provided further that where the area of land in shamilat deh of any village so vested or deemed to have been vested in a Panchayat is in excess of twenty-five per cent of the total area of that village

(excluding abadi deh), then twenty-five per cent of such total area shall be left to the Panchayat and out of the remaining area of shamilat deh an area up to the extent of twenty-five per cent of such total area shall be utilized for the settlement of landless tenants and other tenants ejected or to be ejected of that village and the remaining area of shamilat deh, if any, shall be utilized for distribution to the small landowners of that village subject to the provisions relating to permissible area and permissible limit of the Punjab Security of Land Tenures Act, 1953, and the Pepsu Tenancy and Agricultural Lands Act, 1955, as the case may be by the Collector in consultation with the Panchayat in such manner as may be prescribed.

(2) The area of shamilat deh to be utilized for the purposes of the third proviso to sub-section (1) shall be demarcated by such officer in consultation with the Panchayat and in such manner as may be prescribed.

(3) The State Government or any officer authorized by it in this behalf may from time to time, with a view to ensuring compliance with the provisions of the second proviso to sub-section (1) or sub-section (2), issue to any Panchayat such directions as may be deemed necessary."

The Rule 13 is as follows:

"13.[Sections 5 and 15 of the Act] Purposes for which land may be gifted.- A Panchayat may, with the previous approval of the Zila Parishad gift the land in Shamlat Deh vested in it under the Act for the purpose of such hospital, dispensary or educational or charitable institution as may be approved by the Government."

21. The Section 5 of the Act provides all lands vested or deemed to have been vested in the Panchayat under the Act shall be utilized or disposed of by the Panchayat for the benefit of inhabitants of the village concerned in the manner prescribed in the Section. The Rule 13 provides that the Panchayat, may, with the previous approval of Zila Parishad gift the land in Shamlat Deh vested in it under the Act for the purpose of hospital, dispensary or educational or charitable institution as may be approved by the Government. In the gift deed, it has been stated that Society is committed to construct public library and hall in the

memory of late Lala Lajpat Rai in the area and, therefore, the Society requires land. The request of the Society has been accepted by the Panchayat and resolution No. 7 dated 18.12.1965, resolution No. 17 dated 15.9.1966 have already been passed. The Zila Parishad, Kangra has also passed resolution No.18 dated 4.3.1966.

22. A copy of resolution dated 18.12.1965 and a copy of resolution dated 15.9.1966 of Panchayat alongwith their Hindi translations have been placed on record in CWPL No. 29 of 2004. The resolution dated 18.12.1965 did indicate that the Panchayat has agreed to transfer 25 acres of village common land in favour of Society and as per resolution dated 15.9.1966, Jayanti Ram was authorized to get the gift deed registered in pursuance of resolution dated 18.12.1965. But the matter does not end there. In the gift deed dated 19.9.1966 reference of resolution No. 18 dated 4.3.1966 of the Zila Parishad, Kangra for approving the gift in favour of Society has been referred but no copy of resolution No. 18 dated 4.3.1966 has been placed on record.

23. The Rule 13 provides approval of Zila Parishad and State Government. Once the legality of the gift deed dated 19.9.1966 is in question, therefore, it was incumbent upon Society to place on record the resolution dated 4.3.1966 of Zila Parishad, Kangra approving the gift in favour of Society. In absence of evidence that Zila Parishad, Kangra had approved gift in favour of Society, it cannot be assumed that such approval was given by the Zila Parishad, Kangra. It has not been denied on behalf of Society that there is no approval of State Government for gift in favour of Society. The question is of transfer of title by way of gift by Panchayat in favour of Society, therefore, essential statutory conditions were necessarily required to be fulfilled for transferring title through gift.

The approval of Zila Parishad and State Government before actual gift are necessary under Rule 13. The Society has not proved approvals of Zila Parishad and State Government of the land by Panchayat to Society prior to gift deed dated 19.9.1966. In the absence of approvals of Zila Parishad and State Government, the gift deed dated 19.9.1966 is not legal and valid.

24. As per gift deed dated 19.9.1966, 25 acres of village common land has been gifted by the Panchayat to the Society. There is nothing on record on how much area of village common land the Society actually wanted to construct library and meeting hall, by no stretch of imagination it can be assumed that a library and meeting hall were to be constructed on 25 acres of village common land by the Society. In the resolution dated 18.12.1965 and resolution dated 15.9.1966 there is reference of construction of public library and hall by the Society as memorial in the memory of late Lala Lajpat Rai, but there was no other proposal before the Panchayat by the society for what purpose 25 acres of village common land was required by the Society. The Panchayat did not apply mind how much land was actually required by the society for the construction of library and public hall in memory of late Lala Lajpat Rai. The Panchayat blatantly misused its power under Rule 13 in gifting huge block of 25 acres of village common land to the Society.

25. It has come on record that even after decades of gift dated 19.9.1966, the society did not fulfill its alleged commitment for construction of public library and hall on the land gifted to it by the Panchayat. The conduct of Society compels us to take the view that the Society under the garb of construction of public library and hall in the memory of late Lala Lajpat Rai secured gift of 25 acres of land which

was not even required by the Society. It has been contended that Gagal Airport caused hindrance in the construction of a public library and hall. This contention has no force. The Gagal Airport was constructed much later, the notification for construction of airport under Section 4 of the Land Acquisition Act was issued on 16.11.1988. The Society between 19.9.1966 and 16.11.1988 for about 22 years did not take any concrete step for construction of public library and hall on the land in question. The chain of events indicate that society used the name of late Lala Lajpat Rai as ploy to secure gift of 25 acres of village common land and the Panchayat gifted the land. The gift is shrouded with suspicious circumstances.

26. The learned counsel for the Society has submitted that at the most gift dated 19.9.1966 is voidable even if it is assumed that there is no approval of Zila Parishad, Kangra and State Government prior to execution of gift deed. He has submitted that till gift deed dated 19.9.1966 is questioned and set aside in the competent Court, it is a valid document. It has also been contended that the gift cannot be challenged after long distance of time. The challenge to the gift has not been laid by interested persons. He has relied **Dhurandhar Prasad Singh vs. Jai Prakash University and others (2001) 6 SCC 534** in which the Supreme Court has held as follows:-

“22. Thus the expressions “void and voidable” have been the subject-matter of consideration on innumerable occasions by courts. The expression “void” has several facets. One type of void acts, transactions, decrees are those which are wholly without jurisdiction, ab initio void and for avoiding the same no declaration is necessary, law does not take any notice of the same and it can be disregarded in collateral proceeding or otherwise. The other type of void act. e.g., may be transaction against a minor without being represented by a next friend. Such a transaction is a good transaction against the whole world. So far as the minor is

concerned, if he decides to avoid the same and succeeds in avoiding it by taking recourse to appropriate proceeding the transaction becomes void from the very beginning. Another type of void act may be which is not a nullity but for avoiding the same a declaration has to be made. Voidable act is that which is a good act unless avoided, e.g., if a suit is filed for a declaration that a document is fraudulent and/or forged and fabricated, it is voidable as the apparent state of affairs is the real state of affairs and a party who alleges otherwise is obliged to prove it. If it is proved that the document is forged and fabricated and a declaration to that effect is given, a transaction becomes void from the very beginning. There may be a voidable transaction which is required to be set aside and the same is avoided from the day it is so set aside and not any day prior to it. In cases where legal effect of a document cannot be taken away without setting aside the same, it cannot be treated to be void but would be obviously voidable."

27. In *B.L.Wadhera verus Union of India and others (2002) 9 SCC 108*

SCC 108, the allegations were that the Bhondsi Gram Panchayat by a resolution, gifted 33 acres of Gram Panachayat land to respondent No.7 for construction of a hospital which was endorsed by the Haryana Government on 22.03.1984. Another 19 acres of land was donated by the said Gram Panchayat to respondent No.7 in the year 1990 by its resolution No.55 which was endorsed by the Haryana Government on 28.6.1990. After 10.11.1990, the Gram Panchayat passed another resolution gifting another 16 acres of Gram Panchayat land to respondent No.7. The stated purpose for which the land stood donated was for building hospital and a polytechnic for women. The allegation was that 500 acres of land, which was given to the Trust for greening of Aravalli Hills, was occupied by respondent No.7 by fencing it from all sides. On behalf of the petitioner in the Supreme Court one of the contention was that gift is in violation of Section 5-A of the Punjab Village Common Lands (Regulation) Act, 1961 and Rule 13 of the Punjab Village Common Lands (Regulation) Rules, 1964. It is appropriate at this stage to note that

Section 5-A and 5-B were inserted in the Act vide Haryana Act (25 of 1976).

28. The Supreme Court in paragraph 34 of the report has held, Rule 13 authorizes the Panchayat to make a gift for the purpose of hospital, dispensary or educational or charitable institutions or for other purposes may be approved by the Government to the benefits of the inhabitants of the village concerned. Such a gift can be made only with the previous approval of the Government. It has also been held that gifts have been made in favour of the person other than those specified in the mandatory provisions of Section 5-A and 5-B, the same are void ab initio.

29. In the present case also, admittedly even as per Society, no prior approval of the Government by way of general or special order had been obtained before execution of the gift deed dated 19.9.1966. The gift is in violation of Rule 13, hence gift is void ab initio. Therefore, no separate declaration is required from Civil Court. The void ab initio gift requires declaration only, the distance of time in questioning the gift is immaterial. The gift has been challenged by interested persons who made a representation to the then Hon'ble Chief Justice of this Court against the validity of gift. Once, it is held that the gift is void, ab initio, the natural consequence is that the Society has no title over the land covered by gift deed dated 19.9.1966 and the land shall vest in the State Government under Section 3 of Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974. It has not been contended on behalf of any side that in view of clause (d) of sub-section (2) of Section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974, the land shall not vest in the State Government.

30. In view of above, CWPIL No. 29 of 2004 is allowed, gift deed dated 19.9.1966 by Gram Panchayat, Rachhialu in favour of Servants of People Society, Lajpat Bhawan, Lajpat Nagar, New Delhi is held illegal, void ab initio and not binding on the State of Himachal Pradesh, the land covered by the gift deed dated 19.9.1966 excluding the land already acquired for Gagal Airport shall vest in State of Himachal Pradesh under Section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974. The allotment of land to Society in Mohal Jugher, village Bandi by State of Himachal Pradesh vide mutation No. 59 dated 18.2.1982 of exchange is also not sustainable and is set-aside. The State of Himachal Pradesh is entitled to compensation amount, interest on account of acquisition of part of land covered by the gift deed dated 19.9.1966 acquired for the purpose of Gagal Airport. The State of Himachal Pradesh is directed to take possession of land now covered by mutation No. 59 dated 18.2.1982 Mohal Jugher, Mauja Bandi. The Society is restrained from withdrawing any compensation amount or interest lying in deposit and respondents No. 4 and 5 in CWP No. 1358 of 2006 are directed not to release any amount or interest to Society or its representative from the banks accounts with them. The State of Himachal Pradesh shall be entitled to receive the entire amount with interest deposited by the Society with respondents No. 4 and 5 in CWP No. 1358 of 2006. CWP No. 1358 of 2006 is dismissed. The pending application, if any, also disposed of.

(A.M.Khanwilkar),
Chief Justice

August 12, 2013.
(GR)

(Kuldip Singh),
Judge