

2025:HHC:46476

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

LPA No. 863 of 2025

Date of decision: 31.12.2025.

Amar Singh

.....Appellant

Versus

Principal Commissioner (Appeal) of HP & others

...Respondents

Coram:**The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.****The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.***Whether approved for reporting?*¹

For the Appellant: Mr. Sanjay Jaswal, Advocate.For the Respondents: Mr. Gobind Korla, Additional
Advocate General, for
respondents No. 1 to 4.

G.S. Sandhawalia, Chief Justice (Oral)

Challenge is to the order passed by the learned Single Judge in Civil Writ Petition No. 16841 of 2025, titled as ***Amar Singh versus Financial Commissioner (Appeal) of H.P. Shimla & others***, whereby the Writ Petition was dismissed in *limini*, on

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

the ground of delay and laches on 03.11.2025, as the order of the Financial Commissioner (Appeals), H.P. Camp at Dharamshala, dated 29.09.2012 (Annexure P-10) was being challenged after about 13 years.

2. Though, we do not find any plausible reason as such to interfere with the order of the learned Single Judge, but the learned Counsel for the appellant has strenuously argued that there was no delay as such, because immediately after the order was passed by the Financial Commissioner (Appeals), the appellant had filed a Civil Suit before the Civil Judge-II, Dharamshala, District Kangra, on 01.01.2013, which was only decided on 29.03.2018 (Annexure P-11) and thereafter, he had filed the Writ Petition before this Court.

3. He further submitted that necessary averments were also made in the Writ Petition that the appellant was as such contesting the matter by way of a Civil Suit before the Civil Judge-II, Dharamshala, District Kangra, while referring to Paras 13 & 20 of the

Writ Petition and, therefore, the delay as such is liable to be condoned.

4. We have also gone through the judgment passed by the Civil Judge, dated 29.03.2018 (Annexure P-11), wherein the present appellant had raised challenge to the order passed by the Collector/A.D.M Kangra at Dharamshala, dated 21.09.2005 (Annexure P-7), on the ground that the order was passed behind his back.

5. It is also a matter of record that the Civil Suit as such was returned on account of the fact that Issues No. 5 and 14-A had been decided that the Court had no jurisdiction to entertain the Civil Suit in light of the provisions of the H.P. Tenancy and Land Reforms Act, keeping in view the judgment passed by this Court in ***Chunia Ram Vs. Jindu Ram, 1991(1) Shimla Law Cases, 223.***

6. We have also gone through the order of the Financial Commissioner (Appeals), dated 29.09.2012, which would go on to show that the order dated

21.09.2005 of the Land Reforms Officer, which was subject matter of challenge in the Civil Suit, had also been challenged by filing an appeal before the Divisional Commissioner, Kangra and the appeal of the present appellant had been rejected by the Divisional Commissioner on 22.03.2010 (Annexure P-8). The present appellant had chosen not to challenge the said order by filing a Revision Petition and only one Porkhi Ram had challenged the same before the Financial Commissioner (Appeals) and the present appellant was also arrayed as respondent No. 3 in the proceedings before the Financial Commissioner, but he had chosen as such not to take any step to file a Revision Petition or get himself transposed as petitioner, before the Financial Commissioner(Appeals), if having any grievance against the order of the Land Reforms Officer. The relevant portion of the order of the Financial Commissioner (Appeals) reads as under:-

“3. Feeling aggrieved by this order, the present respondent No. 1 and 2 (who are the

legal heirs of the deceased Sh. Haria) assailed this order in appeal before the Collector Kangra at Dharamshala, who after hearing the parties and on perusal of the record of the trial court, accepted the appeal and set aside the order of the Land Reforms Officer, vide order 21.9.2005, holding that the Land Reforms Officer has passed the order on the basis of the statements of GPA of Shri Haria and GPA of Shri Amar Singh, which is illegal and against the law.

4. Shri Amar Singh, respondent no. 3 and Shri Porkhi Ram, the present petitioner challenged this order of the Collector, by filing two separate appeals before the Commissioner, Kangra division, who after hearing the parties and examining the records, rejected the same through a single impugned order.

Hence, thus revision petition has been filed before this court by Shri Porkhi Ram alone."

7. In such circumstances, it is thus apparent that the petitioner being aware as such of the order dated 21.09.2005 of the Land Reforms Officer and having challenged the same before one Forum, did not carry the challenge further to its logical end and, therefore, the argument now raised that the Civil Suit

had been pending before Civil Judge-II, Dharamshala and after the dismissal of the said Civil Suit, the plaintiff had filed the Writ Petition before this Court, is not liable to be accepted.

8. It is a settled principle of law that challenge to the litigation as such is to be governed by the procedure prescribed and in case the challenge raised is not within the prescribed limitation or within a reasonable period, the rights of a party come to an end, since the other side gets vested rights on account of the order having become final. Now the same, at this belated stage, cannot be allowed to be disturbed on account of the laxity shown at the earlier point of time, which is almost 15 years back, since the order of the Financial Commissioner was passed on 22.03.2010.

9. Resultantly, we do not find any valid reason as such by which the present appellant can further be allowed to re-agitate the issue, having chosen not to agitate the same at the right time though being a party

respondent in the proceedings before the Financial Commissioner.

10. Accordingly, the appeal is dismissed. Pending application(s), if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice.

December 31, 2025
(hemlata)

(Jiya Lal Bhardwaj)
Judge.