

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.926 of 2025

Decided on: 15th September, 2026

Dinesh Kumar

...Appellant

Versus

Union of India & another

...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhwalia, Chief Justice

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the appellant : Mr. Chetan Thakur, Advocate for Mr. Arun Sehgal, Advocate.

For the respondents : Mr. Virbahadur Verma, Central Government Counsel, for respondent No.1-UOI.
Mr. B.N. Misra, Senior Advocate with Ms. Mansi Sharma, and Mr. Saurabh Chand, Advocates, for respondent No.2.

G.S. Sandhwalia, Chief Justice (Oral)

The consideration is sought of the judgment dated 18.10.2024, passed by the learned Single Judge in CWP No.11593 of 2024, titled, ***Dinesh Kumar vs. Union of India and others***, wherein the writ petition of the unsuccessful writ petitioner was dismissed on the ground that the lease deed was not furnished by the other co-sharers qua the land offered for the plot, and therefore, the rejection of the case of the petitioner was held to be justified.

2. Merely on account of the fact that the writ petitioner

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

had applied for correction in the land revenue record on 25.06.2024 under Section 104(3) of the H.P. Tenancy and Land Reforms Act, the same was held to be of no help, as the application was only pending. Thus, keeping in view Clause 4(vi)(a) of the brochure, since the land was not available with the applicant on the date of submission of the application for retail outlet dealership on the Jahu to Sarkaghat road in District Mandi under the Open category, the writ petition has been dismissed.

3. Apparently, in the writ petition, the petitioner had sought the setting aside of the rejection letter dated 12.08.2024 (Annexure P-3) and the subsequent letter dated 23.09.2024 (Annexure P-5). A perusal of the said communications would go on to show that his case was found to be ineligible since Khasra No.1172/531, as per the uploaded Jamabandi 2021-2022, showed other co-owners besides the lessor, Sh. Kamar Singh. An opportunity having been given to provide clarification/partition order and the same had not been submitted and it was accordingly observed that as on the date of application or prior to the same, the needful should have been done and thus, he was declared ineligible vide communication dated 12.08.2024. A right was given to the petitioner to make a representation by 22.08.2024. A representation dated 20.08.2024 (Annexure P-4) was thus filed, wherein it was submitted that the other co-sharers existing in the Jamabandi have

no relevance, as the entire land was in possession of the lessors since 1975 and that the co-sharers existing in the Jamabandi need to be rectified and updated in the revenue record. An application had been filed by one Sh. Kamar Singh, who initiated the process by way of an application dated 25.06.2024 for correction of the revenue record.

4. Apparently thereafter, on 23.09.2024 (Annexure P-5), the respondent-Corporation had rejected the said representation keeping in view the clause as such in the advertisement, referring, where multiple owners have been shown, then the lease deed should be executed by all the co-owners and the offering as such of land was held to be not valid as the transfer of shares of co-owners was pending adjudication before the competent revenue authority.

5. Counsel for the appellant has referred to an order passed by the revenue authorities, to show that the needful has now been done, while referring to an order passed by the Land Reforms Officer and Tehsildar on 21.11.2024, which is a month after the order was passed by the learned Single Judge.

6. Counsel for the respondents, on the other hand, has submitted that during the pendency of the litigation, another gentleman, namely Ashok Kumar, has been issued the letter of intent for the said outlet and the said factum had been noticed by this Court on 31.08.2025.

7. The only issue remains as to the sanctity as such of the prescribed criteria as on the cut-off date, especially keeping in view the fact that the issue of setting up of the infrastructure had to be done within a time-bound period. The advertisement was issued on 28.06.2023 and apparently, the appellant had submitted his application on 15.10.2023. He did not have the eligibility at that point of time as required, but still his name was put in the draw of lots on 22.04.2024. An opportunity was given to him on 14.05.2024, when the documents were called for, but he took no active steps as such to rectify the same, rather, it is to be noticed that after he was declared ineligible on 12.08.2024 (Annexure P-3), he merely claimed in his representation dated on 20.08.2024 that it was joint ownership as such and they were in exclusive possession and the other co-owners were not in possession.

8. Apparently no effort as such was made for a period of over a year from the date of advertisement to get the revenue record rectified and in such circumstances, he was declared ineligible. An opportunity was given to him to file a representation against the order, which was accordingly rejected again in view of the untenable stand as such that the possession was exclusive. In such circumstances, the representation was also dismissed and thus, the learned Single Judge also came to the conclusion that once a clause provided that the lease deed has to be executed by

all co-owners of the offered plot and the needful had not been done by offering the same, there is no scope for interference in the orders passed. The sanctity as such of the cut-off date is a basic principle, when an applicant as such applies and having not adhered to the terms of the advertisement, he would have to suffer the consequences.

9. In such circumstances, a mere entry of the correction of the revenue record at a subsequent stage, would be of no help as such. We are also of the considered opinion that much water has now flown since third-party rights have also come in and another person has been offered the letter of intent, who is also not a party, herein.

10. In such circumstances, no case is made out to interfere with the well-reasoned order passed by the learned Single Judge and the appeal is ordered to be dismissed. Pending application(s), if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

15th September, 2026

(ankit)

(Jiya Lal Bhardwaj)
Judge