

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1135 of 2019
Date of Decision: 29.9.2026

Tilak Raj and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioners: Mr. Roop Lal Chaudhary, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.

Sandeep Sharma, J. *(Oral)*

By way of instant petition, petitioners have prayed for following main reliefs:

“(i) That writ of mandamus may kindly be issued, directing the respondent authorities to decide the representation of the petitioner (Annexure P-19) dated 19.11.2005 within a time bound manner in light of the instructions issued by the Government (Annexure P-18) dated 15.11.1995.

(ii) That writ of mandamus may kindly be issued, directing the respondent authorities to carry the correction in the revenue record qua Khasra No. 428/41, Mohal Chhabar, Tehsil Dehra, District Kangra, H.P. in the name of the petitioners in light of the instructions Annexure P-18 dated 15.11.1995, since the predecessor of the petitioners being

landless oustee of Pong Dam was allotted 10 Kanals 11 Marlas land and he was put in possession and he developed the said land for agriculture and he has also constructed dwelling house and cowsheds over the said land, but now the authorities have wrongly come to the conclusion that the possession of the petitioners differs from Patta granted by the Government.

(iii) That writ of mandamus may kindly be issued, directing the respondent authorities not to initiate eviction proceedings against the petitioners since they were put in possession in the year 1976 in lieu of Patta granted by the Government and after 30 years, the authorities wrong came to the conclusion that possession of the petitioners differs from the Patta on the spot, whereas the land shown by the revenue authorities in the names of the petitioners also has been treated as encroachment of some other person in demarcation.”

2. Pursuant to notice issued in the instant proceedings, respondent-State has filed status report, wherein reliefs, as prayed for, have been opposed on the ground that petitioners are encroacher upon the government land.

3. Before case at hand could be heard and decided on its own merits, learned counsel representing the petitioners, on instructions, states that the petitioners would be content and satisfied in case their pending representation dated 19.11.2005 (Annexure P-19) is ordered to be decided by the respondents in terms of notification dated 15.11.1995 (Annexure P-18) in a time bound manner.

4. Mr. Vishal Panwar, learned Additional Advocate General is not averse to the aforesaid prayer made on behalf of the petitioners.

5. Consequently, in view of the above, this Court without going into merits of the case deems it fit to dispose of the present petition, with direction to the Deputy Commissioner, Kangra at Dharamshala to decide the pending representation dated 19.11.2005 (Annexure P-19) expeditiously, preferably within a period of six weeks. Ordered accordingly. Needless to say authority concerned while doing the needful shall afford an opportunity of being heard to the petitioners and pass appropriate order taking note of notification dated 15.11.1995 (Annexure P-18). Till the time representation is decided in terms of instant order, no coercive action shall be taken against the petitioners.

Pending applications, if any, stand disposed of accordingly.

September 29, 2026
(manjit)

(Sandeep Sharma),
Judge