

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.193 of 2024

Date of Decision: 16.09.2026

 Madan Lal

.....Petitioner

Versus

Manohar Lal & others

... Respondents

 Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹

For the Petitioner: Mr. Ganesh Barowalia, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. K.S. Gill, Advocate, for respondents Nos. 4 to 8.

Sandeep Sharma, Judge(oral):

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ganesh Barowalia, learned counsel for the petitioner, is that despite there being order dated 20.03.2024 passed by Division Bench of this Court in CWPIIL No. 67 of 2023, respondents forcibly evicted him from the suit land. Mr. Barowalia, states that though in terms of aforesaid order, no eviction could have been caused without there being disposal of the revision petition, which at the relevant time was

¹ Whether the reporters of the local papers may be allowed to see the judgment?

pending before the Financial Commissioner (Appeals), but private respondents in connivance with revenue authorities forcibly evicted him from the land in question and as such, they are liable to be dealt with in accordance with the provisions contained under the Contempt of Courts Act.

2. To the contrary, Mr. Anish Banshtu, learned Deputy Advocate General, representing the respondent-State, while refuting the aforesaid statement made by the counsel for the petitioner, states that no order, if any, with regard to ejectment has been passed till date and on the spot, no change has been made. He further states that revision petition pending before the Financial Commissioner has been decided and the matter has been remanded back to the Tehsildar, meaning thereby dispute *interse* petitioner and private respondents qua the land in question shall be decided afresh. He states that till the time allegation of encroachment, if any, made by the petitioner upon the government land is not decided by the competent authority, parties shall maintain status quo.

3. Mr. K.S. Gill, learned counsel representing private respondent Nos. 4 to 8, also states that after passing of order dated 20.03.2024, no interference of any kind has been ever made by the private respondents, rather petitioner claiming himself to be owner of

the land in question, is not permitting other persons to use the common passage. He states that now since the matter has been remanded back to the Tehsildar for deciding the issue afresh, parties shall maintain status quo as was existing at the time of passing order dated 20.03.2024.

4. Having heard learned counsel for the parties and perused material available on record, coupled with the fact that no document worth credence has been placed on record by counsel for the petitioner suggestive the fact that after passing of order dated 20.03.2024, eviction order, if any, has been passed by the competent authority of law, this Court is not persuaded to conclude that order dated 20.03.2024 passed by Division Bench of this Court has been flouted. Though, photographs placed on record by the petitioner suggest that wall existing on the side of the road has been damaged, but in that regard complaint was made and now as of today, obstruction, if any, caused on account of damage to the retaining wall stands removed.

5. Since the respondents have categorically stated that till the time matter is not decided by the Tehsildar afresh in terms of the direction issued by Financial Commissioner (Appeals), parties shall maintain status quo, coupled with the fact that no order of ejectment

has been placed on record, this Court sees no reason to keep the present petition alive and accordingly, same are closed. Notices issued to the respondents are hereby discharged with a direction to the parties to *lis* to maintain status quo qua the nature and possession of the suit land till the disposal of the case by Tehsildar. Since issue pertains to encroachment upon government land, this Court hopes and trusts that Tehsildar concerned shall decide the issue expeditiously, preferably within a period of three months, by affording an opportunity of being heard to the petitioner as well as other stakeholders.

**(Sandeep Sharma),
Judge**

September 16, 2026
(shankar)