2026:HHC:47524

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CR No.95 of 2026
Decided on: 28.10.2026

Union of India and others ...Petitioners

Versus

Bhupinder Singh and another ...Respondents

Coram
Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge
Whether approved for reporting? [1]

For the petitioners:	Mr. Shashi Shirshoo, Central Government Counsel.
For the respondents:	Respondent No.1 ex-parte.
	Mr. Lovneesh Kanwar, Senior Advocate with Mr. Tek Chand Advocate, for respondent No.2.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioners by way of present petition have challenged the order dated 06.06.2025, passed by the learned Senior Civil Judge, Solan, District Solan, HP (in short 'learned executing Court'), whereby the warrant of possession has been issued in favour of the respondents/decree holders in respect of land comprising in survey No.116/2 situated at Dagshai, Tehsil and District Solan H.P.

2. The parties hereinafter to be referred as they

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

2026:HHC:47524

were referred to before the learned executing Court.

3. The decree holders had filed a suit for declaration and possession before the learned Civil Judge (Senior Division) Solan, Distt. Solan, HP (in short 'learned trial Court') against the judgment debtors to the effect that they are owners in possession of shop No.665 comprised in survey No.116/2 situated at Dagshai and entries to the contrary are null and void. In alternative, a decree for possession was also sought, in case they are found out of possession qua the premises in question.

4. The learned trial Court had decreed the suit preferred by the decree holders vide judgment and decree dated 30.12.2005 to the effect that they are holders of occupancy rights in the property in question and entries to the contrary are not tenable in the eyes of law. However, the relief sought by the decree holders to the effect that they are owners of property in question was declined.

5. The judgment debtors feeling aggrieved by the judgment and decree dated 30.12.2005 passed by the learned trial Court had preferred an appeal, which came to be dismissed by the learned Additional District Judge, Solan, Distt. Solan, HP (in short 'learned first appellate Court') on

2026:HHC:47524

27.04.2006. Thereafter the matter was taken up before this Court by way of Regular Second Appeal No.302 of 2007 and the learned Single Judge of this Court vide judgment dated 25.11.2008 had endorsed the occupancy rights declared by the learned trial Court and the learned first appellate Court in favour of decree holders and further went on to hold that a valid title had passed for the suit property in favour of the decree holders.

6. The judgment debtors feeling aggrieved by the judgment passed by the learned Single Judge of this Court had preferred the Civil Appeal No(s). 7951 of 2009, titled, ***Union of India & Anr. vs. Bhupinder Singh & Ors.***, before the Hon'ble Supreme Court and the Hon’ble Supreme Court had partly allowed the appeal on 23.11.2023 and set aside the direction passed by the learned Single Judge of this Court to the effect that this Court should not have declared title for the suit land in favour of the decree holders and such declaration was set aside and quashed, however, the occupancy rights declared in favour of the decree holders over the suit land was left undisturbed.

7. The decree holders after attaining the judgment and decree passed by the learned trial Court whereby a

2026:HHC:47524

decree was passed to the effect that they are holders of occupancy rights in the property in question preferred an execution petition before the learned executing Court, seeking execution of judgment and decree dated 30.12.2005 by issuance of warrant of possession of suit land.

8. The judgment debtors filed objections to the execution petition and stated that the High Court should not have declared title for the suit land in favour of the decree holders under the judgment dated 25.11.2008 and such declaration was set aside and quashed, however, occupancy rights declared in favour of the decree holders over the suit land were left undisturbed. It was further submitted that the judgment debtors are in the process of taking necessary steps for the reclassification of land from B-4 to B-3 and for amending the General Land Register (GLR). The proposal for reclassification of Survey No.116/2 Dagshai Cantt. has been submitted to the competent authorities for sanction in line with the Hon'ble Supreme Court judgment and is under review. It was further submitted that the lease on the subject property granted under Schedule VI of the Cantonment Land Administration

2026:HHC:47524

Rules (CLAR) 1925 expired on 25.06.1961, and expiry of the lease, neither has been renewed nor any request for renewal made by the decree holders or their legal heirs. It was further submitted that no such application has been found in the office records of the Defence Estates Office (in short 'DEO'), Ambala and further the full term of the lease i.e. 90 years has also expired on 25.06.2021 and for the period thereafter the lease can be extended, if eligible, in terms of the MoD policy dated 10.03.2017. The DEO Ambala has already written a letter dated 04.11.2024 to the decree holders to apply for grant of ex-post facto sanction for renewal of lease and for extension of lease for period after 25.06.2021 and as such prayed for adjourning the execution proceedings.

9. The executing Court after considering the objections raised by the judgment debtors came to the conclusion that there is no requirement of lease renewal to effectuate the decree and, therefore, the objections raised by the judgment debtors were dismissed.

10. Learned counsel representing the judgment debtors has vehemently argued that once the decree holders have not applied for renewal of the lease deed and

2026:HHC:47524

further the lease deed has expired on 25.06.2021, the judgment debtors are not averse to extend the period of lease, in case the decree holders apply for the same. He further argued that the learned executing Court has erred while passing the impugned order, thereby issuing the warrant of possession ignoring the fact that the process for reclassification of land from B-4 to B-3 is underway and as such prayed for quashing the said order.

11. On the other hand, the learned senior counsel representing the decree holders has supported the order passed by the learned executing Court and submitted that since there is no direction given by the learned trial Court while passing the judgment and decree, which is sought to be executed, that the decree holders had to apply for extension of lease, the order passed by the learned executing Court does not require any interference. He further argued that this Court while exercising the revisional jurisdiction may not like to interfere with the order since the learned executing Court has passed the order, which is in consonance with the decree passed by the learned trial Court.

12. I have heard the learned counsel for the parties

2026:HHC:47524

and also perused the record carefully.

13. Learned counsel for the judgment debtors has not disputed the judgment and decree dated 30.12.2005 passed by the learned trial Court, whereby the suit filed by the decree holders was decreed to the effect that they are holders of occupancy rights in the property in question and entries to the contrary are not tenable in the eyes of law. Once the said judgment has attained finality up to the Hon'ble Supreme Court and there is no reference of making extension of the lease deed either by the judgment debtors or there is any direction to the decree holders to apply for extension of the lease deed, the learned executing Court has rightly rejected the objections raised by the judgment debtors and issued the warrant of possession in favour of the decree holders.

14. Learned counsel for the judgment debtors has vehemently argued that since the process for reclassification of land from B-4 to B-3 is underway, the learned executing Court could not have proceeded in the matter and have waited for the finalization of the process. However, the said contention cannot be accepted for the reason that the reclassification of land has nothing to do

2026:HHC:47524

with the delivery of the possession of the land qua which the decree has been passed in favour of the decree holders. Therefore, the said objection and the submission made by the learned counsel representing the judgment debtors is without any merit and the same is rejected.

15. It is by now settled in catena of judgments of the Hon'ble Supreme Court that the learned executing Court cannot go behind the decree. Once the judgment debtors have not disputed the decree passed by the learned trial Court on 30.12.2005 and the said judgment and decree has been affirmed by the Hon’ble Supreme Court when the Civil Appeal preferred by the judgment debtors has been disposed of on 23.11.2023, when only the declaration to declare the decree holders as owner of the suit land was set aside, the decree holders are entitled to execute the decree.

16. Learned senior counsel representing the decree holders has submitted that since the learned executing Court has dismissed the objections considering the import of the decree passed in favour of the decree holders, this Court may not like to interfere with the order while exercising the revisional jurisdiction. I am agreeing with the said submission made by the learned senior counsel and of

2026:HHC:47524

the considered view that once there is no direction given in the judgment and decree passed by the learned trial Court that the decree holders have to apply for renewal of the lease deed, the executing Court has rightly rejected the objections preferred by the judgment debtors and this Court while exercising the revisional jurisdiction, is not inclined to interfere with the said order, which is neither illegal nor the findings returned are perverse.

17. Consequently, I do not find any merit in revision petition and the same is accordingly dismissed. However, there shall be no order as to costs. Pending applications, if any also stand disposed of.

28th October, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge