IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.5845 of 2026
Date of Decision: 29.10.2026

Karam Chand and Ors.

.....Petitionerss

Versus

State of Himachal Pradesh and Ors.

.....Respondents

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

For the Petitionerss: Mr. Sunil Mohan Goel, Senior Advocate with Mr. Raman Jamalta, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.
Mr. Sunil Awasthi, Advocate, for respondent No.4.

Sandeep Sharma, J. *(Oral)*

Being aggrieved and dissatisfied with order dated 26.11.2025 passed by the Deputy Commissioner, Kullu, District Kullu, Himachal Pradesh, in Case No. 13/DC/Misc./Kardar/2024 titled as Sh. Krishan Baldev versus State of H.P. and Anr., whereby order dated 16.01.2024 came to be reviewed in review petition filed by the respondent No. 4 under Section 16 of the Himachal Pradesh Land Revenue Act (in short the "Act", petitioners have approached this Court in the instant proceedings, praying therein for the following main reliefs:

2026:HHC:48512

"a) That this Hon'ble Court may be pleased to issue writ of certiorari quashing the impugned order dated 26.11.2025 (Annexure P-15) passed by the Deputy Commissioner, Kullu reviewing her order dated 16.01.2024 without any authority to do so.

b) That this Hon'ble Court may further be pleased to issue writ of certiorari quashing the report submitted by the Additional District Magistrate, Kullu to the Deputy Commissioner, Kullu vide forwarding letter dated 08.01.2024 (Annexure P-12).

c) That this Hon'ble Court may be further pleased to issue writ of certiorari quashing the impugned mutation carried out in favour of respondent No. 4 vide mutation dated 07.02.2026 (Annexure P-16) on the basis of the order passed by the Deputy Commissioner, Kullu dated 26.11.2025.

d) That this Hon'ble Court may be further pleased to issue writ of mandamus directing the respondent to permit the petitioners No. 1 to perform the duties of Kardar in terms of the consensus arrived by the Hariyans in the meeting held on 13.05.2017 and 18.07.2017 alongwith the deities, and further restrain the respondent No. 4 from interfering in the working of the Devta Triyugi Narayan Dhyar in any manner."

2. Quintessential facts as emerge from the pleadings adduced on record by the respective parties are that predecessor-in-interest of respondent No. 4, namely Purshotam Ram was appointed as Kardar, in his personal capacity, of Devta Triyugi Narayan, Phati Diyar, Kothi Kotkandi, Tehsil Bhuntar, District Kullu, Himachal Pradesh. However, subsequently, on the basis of complaint made by the petitioners herein, above named

2026:HHC:48512

Purshotam Ram was removed from the post of Kardar vide order dated 22.04.2017 (Annexure P5).

3. Being aggrieved and dissatisfied with aforesaid order passed by the Deputy Commissioner, above named Purshotam Ram filed an appeal before the Divisional Commissioner, Mandi, which also came to be dismissed vide order dated 25.10.2017 (Annexure P7) on the ground of maintainability.

4. Being aggrieved and dissatisfied with aforesaid order passed by the learned Divisional Commissioner, Sh.Purshotam Ram filed a writ petition bearing CWP No. 30 of 2018 titled *Purshotam versus State of H.P. and others*, which came to be disposed of vide judgment dated 09.12.2019 (Annexure P8). It is important to take note of the fact that during pendency of aforesaid writ petition, Sh. Purshotam Ram, who otherwise continued to perform work of Kardar on the basis of stay granted by this Court vide order dated 04.01.2018, expired, as a result thereof, an application came to be filed on behalf of the legal representatives of deceased Purshotam Ram for impleading them as party respondents. Hon'ble Division Bench of this Court, after having ordered impleadment of the legal representatives of the deceased Purshotam Ram, disposed of the writ petition with liberty to the legal representatives of the deceased petitioner, including respondent No. 4,

2026:HHC:48512

to approach the Deputy Commissioner, Kullu by way of a representation, with a further direction to the Deputy Commissioner to take appropriate decision as per custom and tradition prevailing amongst the Hariyans.

5. Being aggrieved and dissatisfied with the directions contained in the judgment passed by Division Bench of this Court, respondent No. 4 along with other legal representatives of deceased Purshotam Ram filed Review Petition No. 50 of 2023, seeking review of judgment dated 09.12.2019 passed in CWP No. 30 of 2018, however, same also came to be dismissed vide judgment dated 25.05.2023 (Annexure P9).

6. In the meantime, petitioners herein filed an application for approval of appointment as Kardar of Bhagwan Triyugi Narayan (Annexure P10 Colly.) on the basis of support of Hariyans. Taking note of aforesaid application of respondent No. 4, Deputy Commissioner constituted an inquiry under the Additional District Magistrate with a direction to him to submit a report after associating all the parties. Additional District Magistrate submitted his report vide communication dated 08.01.2024 (Annexure P12). Aforesaid authority concluded in his inquiry report that appointment of Mr. Karam Chand, petitioner No.1 herein, as Kardar of Devta Triyugi Narayan is not tenable in the eye of law as due process has not been followed as per customary law, but while passing aforesaid order,

2026:HHC:48512

aforesaid authority also concluded in the report that hereditary claim of Mr. Krishan Baldev is valid subject to consensus of followers and devotees.

7. Being aggrieved and dissatisfied with aforesaid inquiry report submitted by the Additional District Magistrate, Kullu, petitioners as well as Pradhan, Devta Triyugi Narayan Temple Committee submitted objections (Annexure P13).

8. Taking note of objections raised at the behest of the petitioners as well as Pradhan of the Committee, Deputy Commissioner, Kullu, District Kullu, vide order dated 16.01.2024 (Annexure P14) directed the Tehsildar Bhuntar to convene a general house of Hariyans for obtaining consensus of the hereditary claim of Sh. Krishan Baldev (respondent No.4), following which he can be appointed as Kardar of Devta Triyugi Narayan Temple, Phati Diyar, Kothi.

9. It is pertinent to state that besides making application for appointment as Kardar by the petitioner-Karam Chand, respondent No. 4 had also filed an application to implement the mandate contained in judgment dated 09.12.2019 passed by Division Bench of this Court. The Deputy Commissioner, Kullu, District Kullu vide order dated 16.01.2024, taking note of claims and counter claims of the petitioners and respondent No. 4, though held claim of the petitioner Karam Chand not to be tenable,

2026:HHC:48512

but found claim of the respondent No. 4 to be valid subject to consensus of Hariyans/followers and accordingly, directed to convene meeting of Hariyans for obtaining consensus of the hereditary claim of respondent No. 4 (Krishan Baldev).

10. Though in terms of aforesaid order passed by the Deputy Commissioner, Kullu, District Kullu, meeting was to be convened by Tehsildar, Bhuntar, to ascertain the wish of Hariyans for appointment of Kardar, but respondent No. 4 filed review petition under Section 16 of the Act for review of order dated 16.01.2024, detailed in letter No. 97 dated 16.1.2024, for modifying the order to the extent direction came to be issued to Additional District Magistrate to convene general house of Hariyans for obtaining consensus of hereditary claim of the respondent No. 4. In nutshell, respondent No. 4 attempted to set up a case before the Deputy Commissioner that since respondent No. 4 has a hereditary claim and on the basis of Wajib-ul-Arz, he can be appointed as Kardar after demise of his father Purshotam Ram, there is no requirement, if any, to convene a meeting for ascertaining the wish of Hariyans.

11. Deputy Commissioner, Kullu vide order dated 26.11.2025 (Annexure P15) allowed the review petition and modified order dated

2026:HHC:48512

16.01.2024. Vide aforesaid order, Deputy Commissioner held respondent No. 4 entitled to the post of Kardar on the basis of hereditary claim.

12. In the aforesaid background, the petitioners, who at one point of time had also staked claim against the post of Kardar, have approached this Court in the instant proceedings, praying therein for the reliefs as mentioned hereinabove.

13. Precisely, the case of the petitioners as highlighted in the petition and further canvassed by Mr. Sunil Mohan Goel, Senior Advocate, duly assisted by Mr. Abhinav Mohan Goel, Advocate, is that once father of the respondent No. 4, Purshotam Ram, stood removed from the post of Kardar for his having misappropriated the land of Devta Triyugi Narayan coupled with the fact that till date, aforesaid order of removal has not been set aside, hereditary claim put forth by respondent No. 4 is not sustainable.

14. Mr. Goel, further argued that otherwise also, bare perusal of Wajib-ul-Arz nowhere suggests that family member of Kardar shall have any hereditary claim, rather hereditary claim, if any, is of the Pujari of the Devta, especially in case of removal. He further argued that after removal of Purshotam Ram from the post of Kardar, claim set up by the petitioner-Karam Chand for being appointed as Kardar could not have been ignored

2026:HHC:48512

by the competent authority, especially when such claim of him was supported by large number of Hariyans.

15. Mr. Goel, further argued that otherwise also, once the Deputy Commissioner having taken note of claims and counter claims of the petitioners as well as the respondent No. 4 vide order dated 16.01.2024 had directed the Tehsildar to convene meeting of Hariyans to ascertain their wish so that rightful person is appointed as Kardar, he had no authority, if any, to review its order dated 16.01.2024 in review petition filed under Section 16 of the Act, which otherwise could not have been attracted in the given facts and circumstances of the case.

16. He further submitted that review petition is not maintainable in view of judgment dated 24.12.2015, passed by coordinate Bench of this Court in CWP No. 4824 of 2009 titled as ***Mandir Committee (Adhoc) Mata Bhuvaneshwari Jagannathi Temple Bekhli versus Chain Sukh and others***, but even if it is presumed that review could be filed, permission, if any, to file review ought to have been taken by the Deputy Commissioner from the Divisional Commissioner prior to his having entertained the review petition, whereas in the instant case, permission to entertain review petition came to be accorded by the Divisional Commissioner after disposal of the review petition.

2026:HHC:48512

17. He further submitted that in terms of Section 16 of the Act, parties ought to have been afforded opportunity of being heard, but interestingly, in the case at hand, petitioners as well as Pradhan of Temple Trust never came to be arrayed as party respondents, hence impugned order having been passed at their back is not sustainable.

18. To the contrary, Mr. Sunil Awasthi, learned counsel representing respondent No.4 supported the impugned order dated 26.11.2025 passed by the Deputy Commissioner, Kullu. He submitted that once it is well settled that family member of Kardar can set up a hereditary claim and same is to be decided on the basis of Wajib-ul-Arz, no illegality can be said to have been committed by the Deputy Commissioner while modifying/reviewing its earlier order, whereby direction was issued to convene meeting of Hariyans.

19. He submitted that after the death of Sh.Purshotam Ram, respondent No. 4 being his legal representative had been performing work of Kardar as per Wajib-ul-Arz and in the event of grouse, if any, the petitioners ought to have filed fresh application for removal of respondent No. 4, but certainly such relief cannot be granted in the instant proceedings.

2026:HHC:48512

20. He also attempted to argue that power of review never came to be exercised by the Deputy Commissioner in the capacity of quasi judicial authority, rather he modified his administrative order by which he had directed the Tehsildar to convene meeting of Hariyans.

21. Having heard learned counsel representing the parties and perused material available on record, this Court finds that predecessor-in-interest of respondent No. 4, namely Purshotam Ram, was Kardar of Devta Triyugi Narayan for quite long. It is also not in dispute that above named person was subsequently removed from the post of Kardar by the Deputy Commissioner, Kullu, on the basis of complaint made by the Hariyans. It is also not in dispute that order of removal of Purshotam as Kardar has not been set aside by any competent court of law. Though aforesaid order was laid challenge before this Court in CWP No. 30 of 2018, but as has been taken note hereinabove, Hon'ble Division Bench of this Court did not adjudicate the legality of order impugned in those proceedings, rather relegated the petitioners, i.e. legal representatives of deceased Purshotam Ram, to the Deputy Commissioner, Kullu, for deciding their claim with regard to appointment of Kardar on the basis of Wajib-ul-Arz and custom prevailing amongst the Hariyans.

2026:HHC:48512

22. Parties are in agreement that as per Wajib-ul-Arz, family member of Kardar can stake claim to the post of Kardar on hereditary basis, but there is nothing in the Wajib-ul-Arz to suggest that in case Kardar is removed on the ground of mistrust, his legal representative can be given appointment to the post of Kardar on the basis of heredity.

23. Vide judgment dated 09.05.2016 passed by this Court in CWP No. 3079 of 2015 titled ***Kanta Devi versus Financial Commissioner (Appeals) and Others***, which came to be pressed into service by Mr. Sunil Awasthi, Advocate, this Court held that post of Kardar can be claimed on the basis of heredity, but in the aforesaid judgment, it nowhere came to be ruled that in case Kardar is removed on ground of mistrust, his legal heirs can claim post of Kardar on the ground of heredity.

24. Though on the aforesaid proposition of law, no law appears to have been laid down by any constitutional court including this Court, but in case titled ***Raj Kumar versus Prem Singh***, 1981 Sim.L.C. 388, Financial Commissioner, while dealing with question of appointment of Kardar, has categorically held that according to Wajib-ul-Arz, majority opinion is to be taken into consideration only when appointment is to be made after removal of previous Kardar, meaning thereby, though in terms of Wajib-ul-Arz, post of Kardar can be claimed on hereditary basis, but in

2026:HHC:48512

case Kardar is removed for some reasons, hereditary claim, if any, set up by legal representatives of removed Kardar can be decided by the majority.

25. In the case at hand, pursuant to directions passed by the Hon'ble Division Bench of this Court in the aforesaid Petition, matter ultimately came to be decided by the Deputy Commissioner, Kullu, vide order dated 16.01.2024 (Annexure P14), who on the basis of inquiry report received from the Additional District Magistrate, Kullu, concluded that candidature/claim of Sh. Karam Chand i.e. petitioner No.1 herein, is not valid in eye of law as far as his appointment as Kardar is concerned, but claim of Mr. Krishan Baldev, respondent No. 4, is valid subject to consensus of Hariyans/followers. After having arrived at aforesaid conclusion, Deputy Commissioner directed Tehsildar, Kullu to convene general house of Hariyans for obtaining consensus of hereditary claim of Sh. Krishan Baldev, respondent No. 4, following which he can be appointed as Kardar of Devta Triyugi Narayan Temple.

26. Before aforesaid order could be taken to its logical end, trespondent No. 4, in whose favour, order was actually passed by the Deputy Commissioner, filed review petition, seeking review of aforesaid order inasmuch as direction came to be issued to convene general house of Hariyans for obtaining consensus. Interestingly, the Deputy Commissioner,

2026:HHC:48512

Kullu, District Kullu reviewed order dated 16.01.2024 and held that there is no requirement of convening meeting of Hariyans, rather on the basis of hereditary claim, respondent No. 4 is entitled to be appointed as Kardar.

27. Though Mr. Sunil Awasthi, learned counsel representing the respondent No. 4 vehemently argued that as per Wajib-ul-Arz, a person can be appointed as Kardar on the basis of hereditary claim and as such, no illegality can be said to have been committed by the Deputy Commissioner while passing order dated 26.11.2025 (Annexure P15), whereby order dated 16.01.2024 came to be reviewed, but he was unable to dispute that aforesaid plea raised before Division Bench of this Court in CWP No. 30 of 2018 titled as Purshotam Ram versus State of H.P. and others, was not accepted, rather having taken holistic view of the matter, Hon'ble Division Bench of this Court vide judgment dated 09.12.2019 directed the petitioners to approach the Deputy Commissioner by way of representation with further direction to the Deputy Commissioner to consider and take appropriate decision thereon as per custom and tradition prevailing amongst the Hariyans. However, Deputy Commissioner overlooked aforesaid part of the directions contained in judgment dated 09.12.2019 passed by Division Bench of this Court. Though, at first instance, taking note of facts in entirety, Deputy Commissioner, found claim of respondent

2026:HHC:48512

No. 4 to be genuine in terms of Wajib-ul-Arz, but yet vide order dated 16.01.2024 directed the Tehsildar to convene general house of Hariyans for obtaining consensus of hereditary claim of, respondent No. 4 (Mr. Krishan Baldev), which was actually the direction of Division Bench of this Court in civil writ petition detailed herein above. However, for totally unjustifiable reasons, the Deputy Commissioner, subsequently on the basis of review petition, proceeded to review order dated 16.01.2024, that too on flimsy grounds, without affording opportunity of hearing to all the stakeholders, especially Pradhan of the Committee of Devta Triyugi Narayan.

28. Interestingly, in the case at hand, it came to be argued at the behest of Mr. Sunil Awasthi that order dated 16.01.2024 was not passed by the Deputy Commissioner in the capacity of quasi judicial authority, rather he on administrative side passed such order and as such, did not commit any illegality while reviewing order dated 26.11.2025. However, aforesaid submission of Mr. Awasthi appears to be totally contradictory to the facts as well as law on the point.

29. Admittedly, order dated 16.01.2024 came to be passed by the Deputy Commissioner, Kullu, on representation filed by respondent No. 4 pursuant to directions contained in judgment passed by Division Bench of this Court as well as on application made by the petitioners for his being

2026:HHC:48512

appointed as Kardar. Needless to say, Deputy Commissioner, Kullu, District Kullu, had actually proceeded to pass order dated 16.01.2024 pursuant to directions contained in order passed by Division Bench of this Court and as such, ought not have straightaway ordered for appointment of the respondent No. 4 as Kardar, rather in that regard, ought to have convened meeting of Hariyans. Though at first instance, he passed order dated 16.01.2024 strictly in terms of directions issued by Division Bench of this Court, but subsequently using power of review under Section 16 of the Act, proceeded to pass order dated 26.11.2025, thereby reviewing order dated 16.01.2024 inasmuch as direction was issued to convene meeting of Hariyans. In case order dated 16.01.2024 was not passed in the capacity of quasi judicial authority, there was no occasion, if any, for the Deputy Commissioner to seek permission from the Divisional Commissioner to exercise power of review. In the instant case, permission to exercise power of review came to be obtained after passing of order dated 26.11.2025 in review petition and as such, impugned order dated 26.11.2025 is otherwise not sustainable in the eye of law.

30. Leaving everything aside, this Court is of the view that once Division Bench of this Court in CWP No. 30 of 2018, having taken note of submissions made by respondent No. 4 and having taken note of

2026:HHC:48512

submissions made by the legal representatives of deceased Purshotam including respondent No. 4, had directed the Deputy Commissioner to decide claim of respondent No. 4 for being appointed as Kardar on the basis of customs, traditions and Wajib-ul-Arz, the Deputy Commissioner could not have reviewed its earlier order dated 16.01.2024 by observing that in terms of Wajib-ul-Arz, no meeting of Hariyans is required to be convened for appointment of Kardar who can be appointed on the basis of hereditary claim.

31. Since order passed by Division Bench of this Court as well as order dated 22.04.2017 (Annexure P5) have attained finality, this Court finds merit in the petition and accordingly, same is allowed. Impugned order dated 26.11.2025 (Annexure P15) is quashed and set aside with a direction to the Deputy Commissioner, Kullu, to ensure that mandate contained in the judgment inasmuch as convening of meeting of Hariyans is taken to its logical end expeditiously, preferably within four weeks.

32. Once meeting in terms of aforesaid order is convened and report in that regard is submitted to the Deputy Commissioner by Tehsildar, Deputy Commissioner shall pass appropriate orders taking note of observations made in the instant judgment as well as Wajib-ul-Arz, wherein admittedly there is no provision that in the event of removal of

2026:HHC:48512

Kardar, his or her legal representative can be appointed on hereditary basis. In the aforesaid terms, present petition is disposed of along with pending applications, if any.

October 29, 2026 **(Sandeep Sharma),**
(manjit) **Judge**