IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6160/2026
Decided on: 27.04.2026

Rakesh Kumar …Petitioner

Versus

State of H.P. & Ors. ….Respondents

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Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioner: **Mr. Vinod Chauhan, Advocate.**

For the respondents: **Ms. Seema Sharma, Deputy Advocate General.**

Jyotsna Rewal Dua, J.

Notice. Ms. Seema Sharma, learned Deputy Advocate General, accepts notice on behalf of the respondents.

2. Considering the grievance of the petitioner, documents placed on record and the order passed hereinafter, there is no necessity to call for the reply from the respondents. The matter has accordingly been heard at this stage.

2(i) The case set up by the petitioner is that his father had been allotted land comprised in Khasra No. 905/841 measuring 0-09-16 bighas in Mohal Simas, Tehsil Joginder Nagar, District Mandi on 17.08.1976 under the Nautor Scheme. The petitioner/his ancestors constructed a house over the said land and had been

[1] *Whether reporters of the local papers may be allowed to see the judgment? yes*

peacefully residing thereon and enjoying all rights over the said land parcel.

2(ii) During the year 2013, proceedings under Section 163 of the H.P. Land Revenue Act were initiated against the petitioner alleging, *inter alia*, that he had encroached upon about 16 biswansis of Government land comprised in Khasra No. 908/884/1. The petitioner contested the proceedings. The Assistant Collector First Grade, Tehsil Joginder Nagar, District Mandi, ordered ejectment of the petitioner on 16.05.2015 from the aforesaid land. The petitioner preferred revenue appeal under Section 14 of the H.P. Land Revenue Act, 1954. The appeal was allowed by the Collector, Sub Division Joginder Nagar, District Mandi on 06.09.2019. While allowing the appeal, the Collector, *inter alia*, took note of the submissions made for the petitioner that he was not summoned during the demarcation conducted by the authority and that he had no objection in case demarcation was conducted afresh, in accordance with law. The matter was accordingly remanded to the Assistant Collector First Grade, Joginder Nagar, for conducting demarcation afresh, in accordance with law.

2(iii) In the interregnum, the petitioner applied to the Settlement Collector for correction of tatima of the land comprised in Khasra No. 905/841 that was allotted to him/his ancestors on 17.08.1976 under the Nautor Scheme. Petitioner’s application was

taken cognizance of. The Settlement Officer issued summons in petitioner's application on 12.11.2020. Pursuant to the directions issued in the said case, the concerned Tehsildar Settlement furnished report (part of Annexure P-7) to the effect that the tatima of Khasra No. 905/841 allotted to the petitioner under Nautor was not correct as per the spot position. It was required to be rectified as per the spot position by the State Revenue Department. While petitioner's application for correction of tatima of the land allotted to him in Nautor was pending consideration before the competent authority, the Assistant Collector First Grade, Joginder Nagar, District Mandi, on considering petitioner's case on remand from the Collector, Sub Division Joginder Nagar, again ordered petitioner's ejectment on 17.12.2021 (Annexure P-5). It is in this background that the petitioner has preferred this writ petition seeking following substantive reliefs: -

> *"i. That the respondent Deputy Commissioner may kindly be directed to rectify the Revenue record and the land which has been found to be in possession of the PWD to the extent of 1.7 Biswa may kindly be exchanged against the Khasra No. 908/884/1 upon which the petitioner had been found to be an encroacher to the extent of 16 Biswa by further allotting him the adjoining land equal to the extent of land occupied by the PWD.*
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> *ii. That Annexure P-5, whereby the Annexure P-3 has been upheld may kindly be held illegal, null and void by further setting aside the ejectment order vide Annexure P-3."*

3. Learned counsel for the petitioner submitted that petitioner's application for correction in tatima of Khasra No. 905/841 allotted to him under Nautor is still pending consideration but the file is being tossed from one authority to another without any concrete decision, even though the authorities have admitted there being wrong preparation of the tatima of the aforesaid number. It is submitted that the tatima of the aforesaid number does not tally with and depict the correct spot position. It is further submitted that in case the tatima is corrected, the petitioner would not be held to be an encroacher over the 16 biswansis of land comprised in Khasra No. 908/884/1.

4. I have heard learned counsel for the parties and considered the case file.

Annexure P-7 does give an impression of a report having been furnished by the Tehsildar Settlement, Kullu Circle, to the effect that the tatima of Khasra No. 905/841, which was allotted to the petitioner in Nautor, had not been prepared as per the spot position. Documents collectively appended as Annexure P-8 are pointer to the effect that the file pertaining to correction of the aforesaid tatima is being sent from one office table to another without any decision. In the given facts and circumstances, this writ petition is disposed of with a direction to respondent No.4-Deputy Commissioner, Mandi, District Mandi, to ensure taking

consequential action and decision of petitioner's grievance in view of the report furnished by the Settlement Collector at Annexure P-7, office documents collectively appended as Annexure P-8 be also considered. The decision be taken, in accordance with law, within six weeks. Till such time, coercive action be not taken against the petitioner. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

27th April, 2026(rohit)