IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20156 of 2026

Date of Decision: 06.11.2026

Amar Singh .…….Petitioner

Versus

State of Himachal Pradesh & others … Respondents

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

For the Petitioner:	Mr. Ashwani Kaundal, Advocate.
For the Respondents:	Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Additional Advocate General with Mr. Ravi Chauhan Deputy Advocate General, for the respondent-State.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with the order dated 03.01.2026 passed by Divisional Commissioner, Kangra Division, Dharamshala, District Kangra, Himachal Pradesh, exercising the powers of Financial Commissioner (Appeals), passed in Case No. 464 of 2025, titled **Sh. Amar Singh versus Smt. Parkasho Devi**, whereby revision petition filed by petitioner herein under Section 17 of the H.P. Land Revenue Act, 1954, laying therein challenge to impugned order dated 26.09.2019 passed by Sub-Divisional Collector, Shahpur, District Kangra in Case No. 01/2018, whereby appeal filed

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

against the order dated 23.08.2013 passed by LRO-cum-Tehsildar, Shahpur in Case No. 194/Mut. titled **Prakasho Devi versus Seema Devi & others**, was dismissed, petitioner has approached this Court in instant proceedings, praying therein to set aside aforesaid order.

with a prayer to set aside the aforesaid order.

2. Having heard learned counsel for the parties and perused the material available on record vis-à-vis reasoning assigned in the order impugned in the instant proceedings, this Court finds no illegality and infirmity in the same and as such, no interference is called for.

3. Precisely, the case of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ashwani Kaundal, learned counsel representing the petitioner, is that on account of bar under Section 45 of H.P. Tenancy and Land Reforms Act, land in possession of Shridhar, father of the petitioner, as a non-occupancy tenant, could not have been ordered to be mutated in favour of Smt. Prakasho Devi, but revenue authorities on the basis of Will executed by deceased Shridhar, proceeded to attest the mutation qua the land in favour of Smt. Prakasho Devi. Petitioner herein is the son of Shri Shridhar, who had two wives. Petitioner is his son from the first wife and Prakasho is the second wife.

4. It is also not in dispute that Shridhar expired in the year 1992, meaning thereby he had become absolute owner for the land, which was in his possession in the capacity of non-occupancy tenant in the year 1975. Since aforesaid Shridhar had become absolute owner in the year 1975 for the land in question, that is Khasra No. 106 by operation of law, he could have executed Will, executing thereby the aforesaid land in favour of anyone, including Prakasho Devi. Since above named Shridhar had become absolute owner in the year 1975 qua the land comprised in Khasra No. 106, Section 45 of the Act would not be attracted and as such, no illegality can be said to have been committed by the authorities below, while passing the impugned order and as such, same is upheld.

5. In view of the above, the present petition fails and is accordingly dismissed. However, before parting this Court orders that Civil Suit No. 67 of 2017, having been filed by the petitioner for declaration, which is pending adjudication before the Court of learned Civil Judge-II, Dharamshala since the year 2017, is decided by the learned Court below expeditiously, preferably within a period of six months. Pending applications, if any, also stand disposed of.

(Sandeep Sharma),
Judge

November 06,2026
(shankar)