

IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CMPMO No. 208 of 2006

Date of Decision: 27th July, 2006

Banka Ram and others	Petitioners
Versus	
State of H.P. and another	Respondents

Coram

The Hon'ble Mr. Justice V.K.Gupta, C.J.

Whether approved for reporting¹?

For the petitioners: Mr.Ashwani Kaundal, Advocate.

For the respondent No.1: Mr.M.S.Chandel, Advocate
General, with Mr. P.M. Negi,
Dy. Advocate General.

V.K.Gupta, C.J. (Oral)

With the consent of learned counsel for the parties, this petition is being disposed of today itself, at the motion hearing stage without formally admitting it to hearing.

A very short point is involved for consideration in this case. The petitioners are purchasers of the land in question, it having been sold to them by respondent No.2. This fact was noticed by the Deputy Commissioner, Hamirpur exercising the powers of Commissioner, in his order

¹Whether the reporters of Local Papers are allowed to see the Judgment?

dated 17th November, 2003 and yet he admittedly passed the aforesaid impugned order without either impleading the petitioners as party respondents in that case, or affording an opportunity of hearing to them. The appeal against the said order was dismissed by the Divisional Commissioner, Mandi Division, vide impugned order dated 15th February, 2006 without taking any notice of the aforesaid patent defect in the proceedings.

As agreed to by the learned counsel for the parties, namely, Mr.Ashwani Kaundal, learned counsel appearing for the petitioners and Mr.M.S.Chandel, learned Advocate General appearing for respondent No.1, the aforesaid two impugned orders are quashed and set aside. The matter is remitted to the learned Deputy Commissioner, Hamirpur, exercising the powers of Commissioner, to decide afresh the entire matter after hearing the petitioners as well as respondent No.2 Daya Ram. The petitioners shall stand impleaded in the aforesaid matter as party respondents.

The petition is disposed of.

CMPs No.427 and 428 of 2006

In view of the disposal of the main petition, both the applications are also disposed of.

27th July, 2006
(C)

(V.K.Gupta), C.J.

