

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 572 of 2005.

Decided on: 30.4.2007.

Smt. Nagan Devi.

Versus

Smt. Mehtabi Devi & Others.

... .. Petitioner.

... .. Respondents.

Coram:

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting? No.

For the Petitioner (s): Mr. Ramesh Sharma, Advocate.

For Respondents No.1 to 3 Mr. Anand Sharma, Advocate.

For Respondents No.4 to 6: Mr. M.S. Chandel, Advocate General
with Mr. M.A. Khan and Ms. Meenakshi
Sharma, Deputy Advocates General.

Rajiv Sharma, Judge (Oral):

This petition is directed against the order dated 11th October, 2004
passed by the Divisional Commissioner, Kangra.

Three contentions have been raised by the petitioner in this petition:-

- i) the petitioner is still in possession of Khasra No.657/504;
 - ii) there is a graveyard also in the portion of Khasra No.657/504;
and
 - iii) that the land was not cultivated by the respondents.
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Whether reporters of local papers may be allowed to see the judgment? No.

It has come in the reply of respondents No.4 and 5 that the respondents were put in possession of Khasra No.657/504 measuring 0-10-00 hectares after allotment of the same. No rejoinder has been filed to this para of the reply filed by respondents No.4 and 5. It has come in the report of the Tehsildar which has been considered by the Divisional Commissioner in his order dated 11.10.2004 that there is no graveyard. So far as the cultivation part is concerned, it is evident from the report of Tehsildar vide Annexure P-2 that after the allotment of land the allottee has not cultivated some portion of land because the petitioner did not allow him to take possession of the allotted land.

The averment with regard to transfer of allotted land is also not tenable in view of issuance of notification by the Financial Commissioner-cum-Secretary to the Government of Himachal Pradesh on 2.12.1991.

There is no infirmity, illegality or jurisdictional error in the impugned order. Accordingly, the writ petition is dismissed with costs quantified at Rs.3,000/-.

(Rajiv Sharma)
Judge

April 30, 2007.
(sck)