

In the Hon'ble High Court of Himachal Pradesh, Shimla.

CWP No. 1000 of 2001.

Decided on 28.2.2007.

M/S Padam Nabh Co. & others.

...Petitioners.

Versus,

State of H.P. and others

...Respondents.

Coram

Hon'ble Mr. Justice

Dev Darshan Sud, J.

Whether approved for reporting?

For the petitioners

Mr. Bhupender Gupta, Sr. Advocate,
with M/ S. Praneet Gupta and Janesh
Gupta, Advocates.

For the respondents

Mr. Rajan Dewan, Addl. AG.

Dev Darshan Sud, J. (Oral)

The petitioners have filed the present writ petition challenging the action of the respondents in seeking to recover a sum of Rs.2,03,287/- as arrears of land revenue for forest Lot No. 7/75-76 of Karsog Range. They have alleged that the amount involved was the subject matter of arbitration proceedings pertaining to this forest lot. A bid of

Whether Reporters of Local Papers may be allowed to see the Judgment?

Rs.1,60,000/- was made by the petitioners which was accepted by the respondent State and on differences having arisen between the parties, the matter was submitted to the arbitrator for adjudication, who vide her award dated 8.1.1986 (Annexure P-1), partly allowed the claim of the respondents. The petitioners thereafter filed objections under the provisions of Sections 30 and 33 of the Indian Arbitration Act, 1940 in the Court of the learned Senior Sub Judge, Mandi, who, vide his judgment and decree dated 30.9.1996 in arbitration Case No. 19/91, titled Padam Nabh and Co. versus Divisional Forest Officer, Karsog, set aside the award and held that the respondents were not entitled to any amount whatsoever. It is admitted by the parties that after the judgment of the learned Senior Sub Judge (Annexure P-2), no further proceedings were taken and the matter has attained judicial finality. The same issue cannot be now re-agitated under the shelter of some different statutory provision. The respondents now seek to recover a sum of Rs.2,03,287/- on account of Lot No. 7/75-76 which was subject matter of arbitration proceedings. In the reply filed by the State, it is admitted that the amount pertains to the same forest lot.

I have heard the learned counsel for the parties. The matter having been finally adjudicated by a Court of competent jurisdiction, no claim can be made by the respondents for the same amount. The proceedings which have been initiated for recovery of the amount as arrears of land revenue, are illegal and without jurisdiction. The writ petition is, therefore, allowed. The demand (Annexure P-6) is quashed and set aside. The respondents are restrained from initiating any recovery proceedings qua forest Lot No. 7/75-76, which was the subject matter of the arbitration proceedings. The writ petition is disposed of. There shall be no order as to costs.

February 28, 2007.
(PC) .

(Dev Darshan Sud)
Judge.