

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

ON THE 31st DAY OF AUGUST, 2022

BEFORE
HON'BLE MR. JUSTICE SANDEEP SHARMA

CIVIL MISC. PETITION MAIN (ORIGINAL) No.392 OF 2022

Between:

SH. DEEPAK GUPTA SON OF SH.
G.C.GUPTA, RESIDENT OF SUNRAYS,
GHORA CHOWKI, P.O. TARA DEVI,
SHIMLA-171001.

....PETITIONER

(BY MS. MEERA DEVI, ADVOCATE)

AND

1. STATE OF H.P. THROUGH THE
SECRETARY(REVENUE), TO THE
GOVERNMENT OF HIMACHAL
PRADESH, SHIMLA-171002.
2. THE ASSISTANT COLLECTOR 1ST
GRADE, SHIMLA RURAL, DISTRICT
SHIMLA, H.P.
3. MR. BHISHAM (FIELD KANUNGO),
MOHAL GORO KANAWAN, OFFICE OF
THE ASSISTANT COLLECTOR 1ST
GRADE, SHIMLA RURAL, DISTRICT
SHIMLA, H.P.

....RESPONDENT

(MR. NARINDER GULERIA,
ADDITIONAL ADVOCATE GENERAL
WITH MS. SVANEEL JASWAL DEPUTY
ADVOCATE GENERAL AND MR.
SUNNY DHATWALIA, ASSISTANT
ADVOCATE GENERAL,)

Whether approved for reporting?

This petition coming on for orders this day, the Court passed the following:

ORDER

By way of instant petition filed under Article 227 of the Constitution of India, prayer has been made on behalf of the petitioner to issue directions to the respondents to decide the mode of partition and handing over the possession in time bound manner in terms of the application already allowed by respondent No.2.

2. Mr. Narender Guleria, learned Additional Advocate General, appears and waives notice on behalf of respondents No.1 to 3. He states that on account of the innocuous prayer made on behalf of the petitioner, no reply is required to be filed.

3. Having heard learned counsel representing the petitioner and perused the material available on record, this Court finds that case No.67 of 2019, titled as ***Ravi Sood and another versus Sh. Ajay Kumar and others***, for partition proceedings was allowed by respondent vide order dated 14.12.2021 and respondent No.3 was ordered to suggest the mode of partition and conduct the necessary partition on the spot in accordance with law. However, more than one year has passed but till date, needful has been not done and as such, petitioner is compelled to approach this Court in the instant proceedings, seeking

therein direction as detailed hereinabove.

4. Consequently, in view of the above, the present petition is allowed and respondent No.3, is directed to take necessary action that to suggest mode of partition and handing over the possession to the respective parties in terms of order dated 14.12.2021, passed by respondent No.2 expeditiously preferably within a period of three months.

5. Learned counsel representing the parties undertake to apprise the aforesaid authority with regard to passing of the instant order, enabling him to do the needful well within stipulated time. Pending applications, if any, also stand disposed of.

31st August, 2022
(shankar)

**(Sandeep Sharma),
Judge**