

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP No. 6346/2024
Decided on: 31.07.2024**

Durga Dass

...Petitioner

Versus

State of H.P. & Ors.Respondents.

Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner : **Mr. R.K. Sharma, Sr. Advocate with
Mr. Arun Rana, Advocate.**

For the respondents : **Mr. Amandeep Sharma, Additional
Advocate General, for respondent
No.1.**

Jyotsna Rewal Dua , J

Notice confined to respondent No.1, which is waived
by Mr. Amandeep Sharma, learned Additional Advocate General.

In view of the nature of order being passed hereinafter,
notice of this petition is not required to be issued to respondents
No.2 to 4.

2. With the consent of learned counsel for the parties, the
matter is heard at this stage.

3. The petitioner applied for demarcation of the land
comprised in Khasra No. 448, measuring 0-4-8 bighas situated at

¹ Whether reporters of the local papers may be allowed to see the judgment? yes

Mohal Khiuri Dom 285, Tehsil Balh, District Mandi. The demarcation was carried out on 07.02.2020. Assistant Collector First Grade, Tehsil Balh, District Mandi, vide his order dated 19.04.2021 declined to accept the demarcation report on the ground that the owners of the land adjoining to Khasra No. 448 had not been associated in the demarcation. Petitioner's appeal against the aforesaid order passed by the Assistant Collector First Grade was dismissed by the Collector on 21.11.2022. Revision petition preferred by the petitioner under Section 17 of Himachal Pradesh Land Revenue Act was also dismissed by the Financial Commissioner (Appeals) on the same ground, vide order dated 07.11.2023.

Assailing the orders passed by the Assistant Collector First Grade on 19.04.2021, by the Collector on 21.11.2022 and by the Financial Commissioner on 07.11.2023, the petitioner has preferred this writ petition.

4. Learned Senior Advocate for the petitioner fairly submitted that in terms of notification dated 16.07.2012, amending Para-10.2 of Chapter 10 of the H.P. Land Records Manual, the applicant seeking demarcation, is required to implead all persons, who are co-sharers with him in the land of which demarcation is being sought. Besides, those who are in possession of adjoining plots of land, are also required to be impleaded as necessary parties to the demarcation. Learned Senior Advocate further

submitted that in view of the amendment of para-10.2 of Chapter 10 of the H.P. Land Records Manual vide notification dated 16.07.2012, the impugned orders passed against the petitioner cannot be said to be suffering from any infirmity. However, learned Senior Advocate also submitted that the petitioner is ready & willing and be permitted to move an application for fresh demarcation, in accordance with law, after impleading the adjoining land owners/persons, who are in possession of adjoining plots of land, and whereafter direction be issued to the competent authority to demarcate the land, in accordance with law, within a reasonable period.

Learned Additional Advocate General has no objection to the aforesaid submissions.

5. Taking into consideration the fact that the petitioner has been non-suited by the authorities on the ground that the adjoining landowners/persons in possession of adjoining plots of land had not been impleaded during the demarcation, also keeping in view the submissions made by learned Senior Advocate for the petitioner that the petitioner is ready & willing to apply for fresh demarcation, in accordance with law, as per the amended provisions of Para-10.2 of Chapter-10 of the H.P. Land Records Manual and keeping in view the submission of learned Additional Advocate General, it is deemed appropriate to dispose of this writ petition with liberty to the

petitioner to move an application for demarcation of the subject land, in accordance with law. In case, such application is moved before the competent authority, the same shall be decided and demarcation shall be carried out, in accordance with law, as expeditiously as possible & preferably within four months. Learned Additional Advocate General is directed to bring this order to the notice of Assistant Collector First Grade Tehsil Balh, District Mandi/competent authority/authorized authority.

With the above direction, the instant petition is disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

July 31, 2024
(rohit)