

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****CMPMO No. 325 of 2016****Decided on: 27.11.2025**

Pawan Kumar and others petitioners

Versus

Kesari Lal (deceased) through LR's and others

.....respondents

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting? ¹

For the petitioners : Mr. Adarsh K. Sharma, Advocate.

For the respondents : Ms. Veena Sharma, Advocate, for
respondents No. 1 to 5.

: Mr. Diwakar Dev Sharma,
Additional Advocate General, for
the respondents/State.

Bipin Chander Negi, Judge (oral)

By way of the present petition, a challenge has been laid to the order dated 11.09.2025 passed by the Divisional Commissioner, Mandi, exercising powers under Section 54 of the H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 (Annexure P-7).

2. Heard counsel for the parties. Perused the impugned order, the documents appended alongwith the present petition and the pleadings of the parties.

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



3. The bone of contention in the present petition pertains to the allotment of Khasra No. 890 measuring 1 Kanal 4 Marlas, which during consolidation proceedings in the case at hand has been valued at 4 Annas. In the Jamabandi for the year 1981-82, the aforesaid Khasra i.e. Khasra No. 890 measuring 1 Kanal 4 Marlas in Khewat No. 132, Khatauni No. 263, had been recorded as co-owned by the predecessor-in-interest of the parties to the present lis. In the column of possession, it is shown as jointly cultivated by the co-owners. During *Takseem Istemal*, Khasra No. 890 was allotted to one Laxman, the predecessor-in-interest of the present respondents.

4. As per the consolidation scheme applicable in the case at hand, every right holder is to be given land in the right holders first and second major portion. If due to some reason land cannot be allotted to the right holder in his first, second major portion, it is then in that event that land has to be allotted to the right holders in his third major portion.

5. Insofar as the present petitioners are concerned qua them insofar as the four Anna P Block is concerned, the first major portion, wherein land has been allotted to them is Khasra No. 885 and second major portion in the said block wherein land has been allotted to them is Khasra No. 624. The same has been allotted as per the demand of the petitioners. Khasra No. 890 insofar as the present petitioners are concerned is their third



major portion in the four Anna P block. Since land has already been allotted in the four Anna P block to them in their first and second major portion, hence there arises no occasion for allotment of land to them in the third major portion of the four Anna P block i.e. Khasra No. 890.

6. Other than the aforesaid, insofar as Khasra No. 890 is concerned, the same is contiguous to Khasra No. 891. Khasra No. 891 as per the consolidation scheme in the case at hand has been valued as two Annas. As per the consolidation scheme, the respondents in the case at hand have been allotted Khasra No. 891 being their major portion. As has already been stated, Khasra No. 890 is not the first or second major portion insofar as the present petitioners are concerned, therefore, in consonance with the provisions of the scheme and on account of the fact that Khasra Nos. 890 & 891 are contiguous. Khasra No. 890 has been allotted to the present respondents. The purpose of consolidation scheme is to avoid fragmentation of land and as the names suggests the purpose is consolidation. By allotting Khasra No. 890 to the respondents, the purpose of the scheme is achieved.

7. In the allotment so made, learned counsel appearing for the petitioners could not point out any illegality, perversity, infraction of the consolidation scheme. Hence, I find no ground to interfere with the impugned order passed by the Divisional Commissioner. The petition being devoid of any merit is,



accordingly, dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Bipin Chander Negi)
Judge

27th November, 2025
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