



Ram Chand vs. State of H.P. & Ors.

Cr.MMO No. 117 of 2026.

02.03.2026 Present: Mr. B.L. Soni, Advocate and Mr. Nitin Soni, Advocate, for the petitioner.

Mr. Lokender Kutlehria, Addl.A.G., for respondents No.1 and 2.

Cr.MMO No. 117 of 2026.

Notice. Mr. Lokender Kutlehria, learned Additional Advocate General waives service of notice behalf of respondents No.1 and 2.

Notice be issued to respondent No.3, returnable within two weeks. List thereafter.

Cr.MP No. 652 of 2026.

Notice in the aforesaid terms.

Heard.

It appears from the record that the learned Trial Court had issued a warrant of recovery of compensation of Rs.11,00,000/- to the Collector. Learned Magistrate subsequently ordered the sale of the property so attached by the Collector. The grievance of the petitioner is that the Ld. Magistrate



could not have directed the Collector to sell the property and this was the jurisdiction exclusively vested with Collector. Prima facie this submission has some force. Section 421(1)(b) authorises the Collector to realize the amount as arrears of land revenue from the offender's movable or immovable property. Section 421 of the Cr.P.C. empowers the State Government to make rules regulating the manner in which the warrants are to be executed

H.P. Land Revenue Act provides detailed procedure for recovery of the amount as arrears of land revenue. Thus, in these circumstances, the Collector will be within its jurisdiction to take steps as per the provisions of H.P. Land Revenue Act or as per the Rules framed under Section 421(2) of the Cr.P.C. to execute the recovery warrant issued by the learned Magistrate, however, the learned Magistrate cannot compel the Collector to recover the amount by sale of property. Thus, the order dated 25.07.2005 directing the Collector to sell the attached property of the petitioner is ordered to be stayed.



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However, this order shall not prevent the Collector to take steps for realising the amount as per the H.P. Land Revenue Act by sale of property or in any other manner as is permissible under law.

(Rakesh Kainthla)
Judge

2nd March, 2026.
(Jai)