



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

**CWP No. 6479/2026  
Decided on: 04.05.2026**

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Himachal Pradesh State Electricity Board Ltd.

...Petitioner

**Versus**

State of H.P. & Ors.

....Respondents.

.....  
**Coram**

**Ms. Justice Jyotsna Rewal Dua, Judge.**

**Whether approved for reporting?<sup>1</sup>**

**For the petitioner:**

**Ms. Sunita Sharma, Sr. Advocate  
with Ms. Janam Devi Negi,  
Advocate.**

**For the respondents:**

**Mr. L.N. Sharma, Additional  
Advocate General.**

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**Jyotsna Rewal Dua, J.**

Himachal Pradesh State Electricity Board Limited feels aggrieved against an order dated 26.11.2025, whereby the Divisional Commissioner Kangra Division exercising powers of the State Government, Himachal Pradesh dismissed the petition preferred by the petitioner under Section 54 of the Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 (hereinafter referred to as 'the Act').

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<sup>1</sup> *Whether reporters of the local papers may be allowed to see the judgment?*



2. Heard learned Senior Advocate for the petitioner and considered the case file.

3. **The case: -**

3(i) Under an award dated 26.11.1982, petitioner acquired land comprised in Khasra Nos. 1135, 1136, 1137, 1138, 1141 and 1142, situated at village Bharolian Khurd, Tehsil and District Una for constructing a 66 K.V. Sub-Station, offices of the Electrical Division, residential staff quarters and store, etc. The land so acquired was mutated in the name of the petitioner. Possession of the land including Khasra No. 1141 was also transferred to the petitioner. According to the petitioner, it has raised a housing colony, installed poles and erected a store, etc., over Khasra No. 1141.

3(ii) The settlement operations started in the village in the year 1991-92. The settlement authorities recorded formation of Khasra Nos. 2357-2362 and 2483 corresponding to old Khasra No. 1141. Khasra No. 2378 was shown to have been formed from Old Khasra No. 1140. According to the petitioner, Khasra No. 2939/2378 represents Old Khasra No. 1141 that was acquired by them; Revenue record wrongly showed Khasra No. 2939/2378 in the ownership of one Sh. Jatinder Singh, whereas this number on the spot is in the possession of the petitioner. Respondents No.4 & 5 proclaim to have purchased Khasra No. 2939/2378 from said Sh. Jatinder Singh. Respondents No.4 & 5 moved an application for demarcation of this



number. The Assistant Collector First Grade demarcated the land on 04.02.2020 & declared that this number belonged to respondents No.4 & 5 and petitioner is in unauthorized possession of the land.

**3(iii)** Petitioner, in July 2020, instituted a civil suit for injunction against private respondents for restraining them from interfering or taking forcible possession of land comprised in Khasra No. 1141, which according to them was represented by new Khasra Nos. 2357 to 2362, 2366 to 2377, 2483 and also 2939/2378 situated in mohal Bharolian Khurd Tehsil & District Una. Private respondents filed counter claim seeking possession of land comprised in Khasra No. 2939/2378. In the counter claim, private respondents inter-alia besides giving history of a litigation that went right up-to the Hon'ble Apex Court, also pleaded about land of old Khasra No. 1140 having been rightly & legally recorded as land of new number 2378. According to them Khasra No. 1140 was converted into Khasra Nos. 2356, 2363, 2364, 2365, 2376, 2378, 2379 and 2380; After partition of aforesaid land amongst its co-owners Khasra Nos. 2939/2378 came into the share of Sh. Jatinder Singh, who sold it under a duly registered sale deed in favour of the private respondents; Sh. Jatinder Singh put the respondents into actual and physical possession of the land; Private respondents applied for demarcation of the land, which was granted in their favour; Petitioner's objections to the demarcation were turned down by the competent authorities.



According to the private respondents, petitioner had been trying to un-authorizedly possess their owned land in Khasra No. 2939/2378.

**3(iv)** Petitioner also moved an application before Settlement Collector Kangra on 10.12.2020 seeking correction of *meterkaans*. Application was dismissed on 15.03.2024 on the ground that entries were as per consolidation record. Petitioner is stated to have filed appeal which is pending adjudication before the Divisional Commissioner.

**3(v)** Petitioner applied for demarcation of the land. The demarcation report mentioned about consolidation record having not been prepared as per earlier record. Respondents No.4 & 5 also applied for demarcation claiming themselves to be owners of Khasra No. 2939/2378 purchased by them. As noticed earlier, the record confirmed Khasra No. 2939/2378 having been formed from old Khasra No. 1140, which was not acquired by the petitioner. During demarcation, land in question in possession of petitioner was found to be part of Khasra No. 2378 owned by private respondents.

**3(vi)** Petitioner filed a petition under Section 54 of the Act questioning legality of "all such proceedings having been carried out, record prepared, scheme proposed, confirmed or implemented, partition and repartition carried out, orders passed or pending under the Act, and subsequent thereto and record so prepared on the basis of all such impugned prejudicial proceedings and to set aside the



same as also the contrary orders passed by any authority to the extent and in so for it caused prejudice to the valuable rights of the petitioners, and to allow the rightful claim of the petitioners by acceptance of this petition, as also such other or further relief for which the petitioners may be deemed or held entitled...”

The petition was dismissed on 26.11.2025. Feeling aggrieved, this writ petition has been preferred.

4. Learned Senior Advocate for the petitioner submits that during consolidation operations in the years 1978-79, old Khasra No. 981 was assigned new khasra number 1141. However, at that time, serious clerical & technical errors were committed in framing dimensions and conversions of karukans into *meterkaans*, which resulted in reduction of area and distortion of boundaries by the official respondents; This discrepancy came to light during demarcation proceedings conducted in the year 2024. Accordingly, petition was moved under Section 54 of the Act. Without looking to the old record and examining petitioner’s plea of adverse possession, the petition was dismissed under the impugned order.

Following factors assume significance in decision of this petition: - Petitioner had acquired land comprised in certain khasra numbers on 26.11.1982. Khasra No. 1140 was not part of the acquired land. New Khasra No. 2378 was formed from old Khasra No. 1140. New Number 2378 is owned by private respondents.



Petitioner claims to be in possession of part of the land in dispute i.e. Khasra No. 2378 owned by the respondents and submits that this number was required to be considered as part of old Khasra No. 1141, that was acquired by it on 26.11.1982. For saying so, petitioner goes back to consolidation operations 1978-79 and submits that such consolidation operations were not held as per law; Khasra No. 1141 was formed from old Khasra No. 981; But respondent-State made errors in consolidation operations 1978-79 by not relating the record to the settlement record of 1911-12 resulting in showing less area in Khasra No. 1141. And the less area of this khasra number has been wrongly reflected under Khasra No. 2378. Petitioner seeks to complete the alleged shortfall in area of Khasra No. 1141 by relating it to old Khasra No. 981, incorrect consolidation operations of 1978-79 and in turn relating to settlement operations of the year 1911-12. The Divisional Commissioner while dismissing petition under Section 54 of the Act has justly held that this recourse is not permissible. Consolidation operations had been held admittedly in the year 1978-79 when Khasra No. 1141 was formed from old number 981. This Khasra No. 1141 with its area as held out in consolidation operations 1978-79, was acquired in its then existing form by the petitioner on 26.11.1982. It is not for the petitioner to contend that Khasra No. 1141 was not correctly formed from Khasra No. 981 during 1978-79 consolidation operations or that the



consolidation operations of 1978-79 did not correctly correspond to settlement record of 1911-12. Settlement operations were admittedly carried out during 1991-92 corresponding to consolidation record prepared in 1978-79. I am in agreement with the reasoning assigned by the Divisional Commissioner. It appears that petitioner had also moved before the Settlement Officer-cum-Collector Kangra for correction of measurements of the land. The application was inquired into. After visiting the spot in presence of both the parties, it was reported by Naib Tehsildar, Settlement Circle Una that Karukaans of the land had been rightly converted into *meterkaans* during settlement operations. Insofar as petitioner's plea of adverse possession is required, it is well settled that State cannot claim adverse possession over property of private citizens [Re: ***The State of Haryana & Anr. Vs. Amin Lal (since deceased) through His LRs & Ors<sup>2</sup>***.]

In view of above, no case for interference is made out. Accordingly, the petition is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

**Jyotsna Rewal Dua**  
Judge

**04<sup>th</sup> May, 2026**<sub>(rohit)</sub>

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<sup>2</sup> SLP(Civil) No. 25213/2024 decided on 19.11.2024