

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.4254 of 2026****Decided on: 1st April, 2026**-----
Dumnu Ram and another**.....Petitioners****Versus**-----
State of H.P. and others**.....Respondents**-----
Coram**Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioners: Mr. G.R. Palsra, Advocate.

For the Respondents: Ms. Seema Sharma, Deputy Advocate
General, for respondents No.1 to 3.-----
Jyotsna Rewal Dua, Judge

Petitioners, two in number, feel aggrieved against the order dated 13.01.2026 passed by the Divisional Commissioner (Competent Authority under H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971), Mandi Division, Mandi.

2. Heard learned counsel for the petitioners and considered the case file.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



3. The case:-

3(i). Consolidation Officer passed an order under Section 21(2) of the H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971 (in short 'the Act') on 16.01.1991, partitioning the land comprised in Khewat No.22, jointly owned by the parties. The revision petition preferred against the aforesaid order was allowed on 01.03.2000 by the Additional Director, Consolidation of Holdings, exercising the powers of State Government under Section 54 of the Act, *inter alia*, with the observation that Khewat Nos.17 & 18 co-owned by the parties were also liable to be partitioned. The revision petition was allowed and the case was remanded to the Consolidation Officer, Mandi for carrying out the partition of Khewat Nos.17 & 18 alongwith Khewat No.22, which was already partitioned.

3(ii). On 05.06.2000, the parties including son of petitioner No.1 and mother of petitioner No.2 remained present before the competent authority. Mutation No.268 was attested on 05.06.2000.

3(iii). The order dated 01.03.2000 was challenged in *CWP No.398 of 2000 (Hari Singh and others Versus State of H.P. and others)*. Under an interim order passed in the writ petition on 08.06.2000, the concerned authority was



directed not to proceed with the partition proceedings pursuant to the impugned order dated 01.03.2000. The above interim order was modified on 07.03.2001 to the extent that partition proceedings were allowed to go on before the competent authority, but the final order was not to be passed.

CWP No.398 of 2000 was withdrawn on 09.04.2002. It appears that the petitioners in CWP No.398 of 2000, after withdrawing the said writ petition, again filed a civil writ petition, bearing CWP No.714 of 2002, which was dismissed by this Court on 10.09.2002.

3(iv). The present petitioners/their predecessors-in-interest also instituted Civil Suit No.91/2000 in the Court of learned Civil Judge (Junior Division), Court No.III, Mandi for declaration and injunction with respect to the land in question. The civil suit was dismissed on 31.05.2012. The appeal preferred against the aforesaid judgment & decree was also dismissed by the learned Additional District Judge-II, Mandi on 19.03.2016. Regular Second Appeal, bearing RSA No.208 of 2016, was dismissed by this Court on 22.03.2024.

3(v). On 30.06.2025, petitioners alongwith others filed revision petition under Section 54 of the Act



challenging order dated 05.06.2000 passed by the Consolidation Officer. The petition was dismissed on 13.01.2026. Hence, the grievance.

4. The Additional Director Consolidation of Holdings, as noticed above, had passed the order on 01.03.2000, remanding the case to the Consolidation Officer for carrying out partition of Khewat Nos.17 & 18 alongwith Khewat No.22, which stood already partitioned under the order passed by the Consolidation Officer on 16.01.1991. The order passed by the Consolidation Officer had not been interfered with by this Court. The order passed by the Consolidation Officer on 05.06.2000 was pursuant to the order dated 01.03.2000 passed by the Additional Director Consolidation of Holdings. The Divisional Commissioner (Competent Authority under the Act) in the order impugned herein passed on 13.01.2026, was justified in holding that the orders dated 01.03.2000 passed by the Additional Director Consolidation of Holdings and dated 05.06.2000 passed by the Consolidation Officer had become final. The order dated 05.06.2000 was passed by the Consolidation Officer in presence of parties including the petitioners/their predecessors-in-interest. The order dated 05.06.2000 had not even been separately assailed by



the petitioners/their predecessors-in-interest. The contention of the petitioners that order dated 05.06.2000 was passed in violation of the principles of natural justice was justly repelled by the Divisional Commissioner.

The petitioners had preferred two writ petitions on the subject matter. CWP No.398 of 2000 was dismissed as withdrawn on 09.04.2002. Their second writ petition, bearing CWP No.714 of 2002, was dismissed on 10.09.2002. Civil Suit No.91/2000 (23/2011) instituted by them was dismissed by the learned Trial Court on 31.05.2012, by the first Appellate Court on 19.03.2016 and by this Court on 22.03.2024. It cannot be believed that the petitioners were not in knowledge of order dated 05.06.2000 passed by the Consolidation Officer pursuant to the order dated 01.03.2000 passed by the Additional Director Consolidation. The Divisional Commissioner has also returned factual findings about presence of several joint holders of land including the petitioners/their predecessors-in-interest at the time of attestation of mutation under order dated 05.06.2000. Besides above factual findings, the Divisional Commissioner also held in the impugned order that the land in question had been de-notified on 30.12.2005 and therefore, as per mandate of



Section 15(2) of the Act, the powers conferred could otherwise be exercised so long as the estate remains under the consolidation operations. The consolidation operations having been closed vide notification dated 30.12.2005, the revision petition even otherwise was held to be not maintainable.

5. The sum total of above discussion is that I find no infirmity with the impugned order passed by the Divisional Commissioner (Competent Authority under the Act), dismissing the revision petition preferred by the petitioners alongwith others. This writ petition, therefore, lacks merit and is accordingly dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

April 01, 2026
Mukesh

Jyotsna Rewal Dua
Judge