

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.181 of 2025

Date of Decision : 06.05.2025

Vishal Dutt

..... Petitioner

Versus

Assistant Collector 1st Grade (Tehsildar), Dharamshala and others

.....Respondents

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioner : Mr. Ajay Sharma, Senior Advocate with Mr. Tarun Brakta, Advocate.

For the respondents : Nemo.

Bipin Chander Negi, Judge (oral)

By way of this petition under Article 227 of the Constitution of India, in effect, a writ of mandamus is being sought against the respondent.

2. The maintainability of the present petition under Article 227 of the Constitution of India is questionable.

3. Not being part of the district judiciary, the respondent authority does not act as a Court and, therefore, the said authority would not be a subordinate Court against which remedy under Article 227 of the Constitution of India can be availed of.

4. For the foregoing reasons, I am of the *prima facie* view that in order to challenge the impugned judicial acts, in the case at hand, a writ of mandamus under Article 226 should have been sought for.

5. Faced with the aforesaid, learned Senior Counsel for the petitioner seeks permission to withdraw the present petition with liberty to file an appropriate writ petition under Article 226 of the Constitution of India. Permission Accorded.

In view of the aforesaid, present petition is dismissed as withdrawn, so also pending miscellaneous application(s), if any.

May 06, 2025 (KS)

(Bipin Chander Negi)
Judge