

Promila Devi vs. Devender Dutt and others

CWP No. 4451 of 2023

13.07.2023 Present: Mr. Parveen Chandel, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Additional Advocate Generals with Mr. Arsh Rattan and Mr. Sidharth Jalta, Deputy Advocate General, for respondents No. 3 to 5.

CWP No. 4451/2023 & CMP No. 8482/2023

Issue notice to the respondents.

Mr. Arsh Rattan, learned Deputy Advocate General, accepts notice on behalf of respondents no. 3 to 5.

Separate notice be issued to respondents no. 1 and 2 returnable for 06.09.2023, on taking steps within one week.

Having regard to clause 28.11 of the Himachal Pradesh Land Records Manual, 1992, as amended by notification dt. 09.01.2012, the 3rd respondent is not the competent authority to entertain the complaint for cancellation of income certificate and such power is conferred only on the Tensildar concerned.

Therefore, the order dt. 28.12.2022 passed by the Appellate authority-cum-Sub Divisional Officer, Pachhad at Sarahan, District Sirmaur, Himachal Pradesh as confirmed by 3rd respondent in his order dt. 14.06.2023, is without jurisdiction and both such orders are stayed until further orders.

List on **06.09.2023**.

Reply be filed in the meantime.

(M.S. Ramachandra Rao)
Chief Justice

13th July, 2023
(priti)

(Ajay Mohan Goel)
Judge