



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.6621 of 2026
Decided on: 05.05.2026

Bhagat Ram

...Petitioner

Versus

State of H.P. & Ors

...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioner:

Mr. Mohinder Verma, Advocate.

For the respondents:

Mr. Anup Rattan, Advocate General
with Ms. Menka Raj Chauhan,
Deputy Advocate General, for
respondents No. 1 to 3.

Nemo for respondents No.4 to 18.

Jyotsna Rewal Dua, Judge

Petitioner feels aggrieved against the concurrent orders passed by the Assistant Collector Second Grade, Karsog, District Mandi, on 13.12.2019, the Collector, Sub Division Karsog, District Mandi on 12.10.2020 and the Divisional Commissioner Mandi [exercising the powers of Financial Commissioner (Appeals), Himachal Pradesh] on

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes*



18.02.2026, hence, has preferred this writ petition.

2. The aforesaid orders had been passed in proceedings for partition of the land held jointly by all the parties. According to learned counsel for the petitioner, the concerned Revenue Authorities had not prepared '*Farad Kabja*' before framing mode of partition. '*Farad Kabja*' would have reflected possession of the parties over specific portions of land. In absence of '*Farad Kabja*', prejudice has been caused to the petitioner. Further, inviting attention to para-4 of the writ petition, it was submitted that several khasra numbers mentioned therein, could not have been partitioned at all. It was also contended that petitioner had raised specific objection about partition having not been effected on the spot in accordance with mode of partition. However, petitioner's objections were not dealt with by the Revenue Authorities in accordance with law. On these grounds, prayer has been made for setting aside the concurrent orders passed by the Revenue Authorities.

3. I have heard learned counsel for the parties and considered the case file.

4. From the case, it emerges that: -



4(i) Parties are co-owners of the land in question. Some of the respondents moved an application under Section 123 of the Himachal Pradesh Land Revenue Act, 1954 (the Act in short), for partition of the land held by them jointly.

4(ii) Assistant Collector Second Grade, Karsog, processed the application and parties were summoned. Petitioner appeared before the Assistant Collector Second Grade, Karsog on 29.01.2016 and requested for separating his khata. Mode of partition was framed by the Assistant Collector Second Grade, Karsog on 10.03.2016.

4(iii) Petitioner alongwith another co-owner filed appeal before the Collector against the mode of partition dated 10.03.2016. The appeal was accepted on 22.07.2016. Mode of partition dated 10.03.2016 was set aside on the ground that one Sh. Chint Ram, a co-owner, had not been impleaded as party to the partition proceedings. For this purpose, matter was remanded to the Assistant Collector Second Grade, Karsog.

4(iv) After remand, the Assistant Collector Second Grade, Karsog, framed fresh mode of partition on 10.08.2017. Admittedly, this mode of partition attained finality as it was



not assailed by any of the parties including the petitioner. The Revenue Authorities took consequent action for preparing partition papers, carrying out the partition in accordance with mode of partition dated 10.08.2017.

4(v) Partition papers were prepared by the concerned revenue officials. These were submitted to the Assistant Collector Second Grade, Karsog, who heard the parties on 31.10.2019. Petitioner stated before the Assistant Collector Second Grade, Karsog that partition as carried out at the spot by the Revenue Field Agency was acceptable to him. Some of the co-owners objected by submitting that the land so partitioned and allotted to them had not been shown on the spot. The Assistant Collector Second Grade, Karsog, directed the concerned revenue officials to again visit the spot for showing the land to the parties. The Revenue Field Agency again visited the spot on 19.11.2019. The land partitioned and allotted was shown to the parties. Petitioner was also present on the spot. He did not raise any objection to the *Naksha 'J'*. It has come in the concurrent orders passed by the Revenue Authorities that petitioner did not raise any objection at that stage to the land partitioned and



allotted.

On receipt of the case file back, the Assistant Collector Second Grade, Karsog again recorded the statements of the parties. Petitioner appeared before the Assistant Collector Second Grade, Karsog on 13.12.2019. It appears that petitioner initially made a statement (page 54 of the paper-book), but did not sign the same. Partition proceedings were culminated by the Assistant Collector Second Grade, Karsog on 13.12.2019. But for the petitioner, all other co-owners have accepted the order dated 13.12.2019.

4(vi) Petitioner assailed order dated 13.12.2019 passed by the Assistant Collector Second Grade, Karsog by filing an appeal before the Collector Sub Division Karsog, District Mandi. Petitioner's appeal was dismissed on 12.10.2020. Petitioner carried the matter further by filing Revision Petition. This was also dismissed on 18.02.2026 by the Divisional Commissioner Mandi [exercising the powers of Financial Commissioner (Appeals) Himachal Pradesh].

5. Petitioner's objection of '*Farad Kabja*' having allegedly not been prepared before finalization of mode of



partition, is an objection taken too late in the day. '*Farad Kabja*' (List of possession) as per Clause 14.13(A) of Chapter 14 of H.P. Land Records Manual, is prepared before preparing mode of partition. The mode of partition was prepared for the first time by the Assistant Collector Second Grade, Karsog on 10.03.2016. This order was assailed by the petitioner by preferring an appeal before the concerned Collector. Petitioner's appeal was accepted on 22.07.2016 and the matter was remanded to Assistant Collector Second Grade, Karsog, for impleading one Sh. Chint Ram as necessary party. Pursuant to remand, Assistant Collector Second Grade, Karsog, framed fresh mode of partition on 10.08.2017. Admittedly, this mode of partition had been accepted by the petitioner and has become final. That being the admittedly factual position, petitioner cannot be permitted to contend at this stage that mode partition was bad in eyes of law as '*Farad Kabja*' had not been prepared before its finalization.

Petitioner's next contention about certain khasra numbers, detailed in para-4 of the writ petition being out of bound from partition proceedings is also misconceived. No



such objection was admittedly taken by the petitioner either before the Assistant Collector Second Grade, Karsog, or before the Collector Sub Division, Karsog or before the Divisional Commissioner. Petitioner cannot be permitted to raise this objection for the first time in this writ petition.

Petitioner's last contention of mode of partition having not been given effect to on the spot was examined on facts, concurrently by the three Revenue Authorities and rejected. In fact, petitioner's main objection was that Khasra No. 246 classified as '*Bani*' was allotted to him wrongly and he was given less '*Dhani Abal*' area as against his entitlement. The Divisional Commissioner has justly observed that this objection was raised by the petitioner for the first time in the Revision Petition and therefore could not be entertained. The record of the case gives the impression that petitioner at his whims and leisure, takes up different pleas, different objections before different authorities, leading to the obvious inference that petitioner is desirous of dragging the partition proceedings. Mode of partition was devised as per statements and consent of the parties. Spot proceedings were conducted in his presence. Petitioner had accepted the



partition carried out by the Revenue Field Agency on the spot. He accepted the partition and allotment of land as per 'Naksha 'J'. In the given facts, the Divisional Commissioner has justifiably dismissed the Revision Petition.

For the aforesaid reasons, I do not find any ground to interfere with the impugned order passed by the Divisional Commissioner Mandi [exercising the powers of Financial Commissioner (Appeals), Himachal Pradesh], on 18.02.2026, affirming the concurrent orders passed by the two Revenue Authorities. Consequently, the present writ petition is dismissed.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

May 05, 2026
R.Atal