

Dazme Chand Vs. State & Ors.

CWP No. 11364/2026

18.08.2026 Present: Mr. Vijay Chaudhary, Advocate, for the petitioner.

Mr. Y.P.S. Dhaulta, Mr. L.N. Sharma, Additional Advocates General with Ms. Seema Sharma, Deputy Advocate General and Mr. Rajat Choudhary, Assistant Advocate General for the respondents.

Following order was passed in the matter on 10.07.2026

noticing the grievance of the petitioner: -

“Notice. Ms. Seema Sharma, learned Deputy Advocate General, appears and waives service of notice on behalf of respondents No. 1 to 8. Notice. Issue notice to respondent No.9, returnable for 31.07.2026, on taking steps within one week.

2. The essence of petitioner’s grievance is that official respondents have taken away the possession of the subject land from the petitioner and handed it over to respondent No.9. This has purportedly been done as if to execute the decree passed in favour of respondent No.9. Prima-facie, it appears that the judgment and decree passed in favour of respondent No.9 was only to restrain the petitioner from interfering with the possession of respondent No.9 over the subject land as projected in the civil suit filed by him. Decree of possession was not passed in favour of respondent No.9. Apparently, respondent No.9 has instituted another civil suit in the year 2026, seeking possession of the same subject land.

3. Let respondents No. 1 to 8 explain as to on what basis and under what authority of law, the possession was taken away from the petitioner and handed over to respondent No.9 without there being any decree of possession in favour of respondent No.9 and when civil suit for possession is still pending adjudication qua the same subject land. Let respondents, more particularly respondent No.3, to place on record instruction positively by the next

date of hearing. The action, if any, required in accordance with law, be also initiated.

List on 31.07.2026.”

2. Pursuant to the above order, respondent placed on record instructions dated 06.08.2026 from the Deputy Commissioner, Chamba, District Chamba. The purport of these instructions is:- **(i)** Respondent No. 9-Shri Chandi Dass had submitted a representation in the office of the Deputy Commissioner, enclosing a copy of the judgment dated 27.02.2025 passed in RSA No. 97 of 2019, with a request that possession of the land be allotted to him in the partition proceedings with police assistance. The said representation was forwarded by the office of the Deputy Commissioner, Chamba, to the Resident Commissioner, Pangri, for examination and for action as may be warranted in accordance with law. **(ii)** The Resident Commissioner, Pangri, forwarded the matter to the Tehsildar, Pangri. **(iii)** The Tehsildar, Pangri, in turn, marked the representation to the Field Kanungo, Saach, for appropriate action. **(iv)** In purported compliance to the judgment dated 27.02.2025 passed in RSA No. 97 of 2019, the field revenue authorities finalized the partition report and proceeded to deliver possession of the land to respondent No. 9 on 18.06.2026. In this process Khasra Nos. 140/1 and 219/1, measuring 04-15-00 bighas, which were in the possession of the petitioner, were forcibly taken from the petitioner and

handed over to respondent No.9-Shri Chandi Dass by the subordinate revenue agency. (v) This action was the result of an erroneous interpretation of the orders/judgment passed by the learned District Judge, Chamba, as also the judgment passed in RSA No. 97 of 2019.

The Deputy Commissioner, Chamba, has clearly admitted in the office instructions that the field revenue authorities had proceeded to deliver possession of the aforesaid Khasra numbers to respondent No. 9 by unlawfully taking possession from the petitioner on an erroneous interpretation of the judgment and decree passed by the learned District Judge, Chamba, as also by this Court in RSA No. 97 of 2019. The relevant portion of the office instructions reads as under: -

"7. That it is submitted that the communication issued by the office of Respondent No. 3 was confined solely to forwarding the representation submitted by Shri Chandi Dass for examination and for taking such action as may be permissible strictly in accordance with law. The said communication neither contained nor was intended to convey any direction for handing over possession of the disputed land to either party. It appears that the field revenue authorities proceeded to deliver possession on an erroneous interpretation of the judgment passed by the Hon'ble High Court in RSA No. 97 of 2019 as well as the decree passed by the learned District Judge, Chamba.

8. That if the action of the subordinate revenue authorities has resulted in any misunderstanding or has been perceived to be inconsistent with the true scope and import of the judgments passed by the Hon'ble High Court or the competent Civil Court, the same is deeply regretted.

Respondent No. 3 most respectfully tenders an unconditional and sincere apology to this Hon'ble Court for the erroneous interpretation of the judicial orders by the subordinate revenue authorities. It is respectfully submitted that there was never any intention on the part of Respondent No. 3 to overreach, circumvent or undermine the authority, dignity or sanctity of the orders passed by this Hon'ble Court.

9. That Respondent No. 3 remains fully committed to ensuring strict adherence to the rule of law and faithful implementation of the orders passed by the Hon'ble Courts. It will be ensured that such an occurrence does not recur in future."

3. Since the possession has admittedly been taken by the official respondents from the petitioner unlawfully and by misconstruction of the judgments and decrees passed by the learned District Judge as also by this Court, let respondent No. 3, Deputy Commissioner, Chamba, take requisite steps in law for restoration of possession of the aforesaid two Khasra numbers to the petitioner. Such restoration would be without prejudice to rights and contentions of the parties on merits of their respective claims over the land in dispute.

List on **07.09.2026**.

Jyotsna Rewal Dua
Judge

18th August, 2026 (Rohit)