



IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 10255/2023
Decided on: 16.06.2026

Kashmir Chand

.....Petitioner

Versus

State of H. P. & Ors.

.....Respondents

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

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

For the respondents: Mr. Anup Rattan, Advocate General
with Mr. Rajat Chaudhary, Assistant
Advocate General.

.....
Jyotsna Rewal Dua, J.

***Kashmir Chand Vs. State of H.P. & Ors.*²** was instituted by the petitioner, feeling aggrieved against the order dated 23.06.2022 passed by the Additional Deputy Commissioner, Una. The writ petition was allowed on 06.03.2023 as under with direction to the official respondents to pass fresh order after taking into consideration the correctness and veracity of the report of the Tehsildar dated 26.03.2013: -

“3. Accordingly, the writ petition is allowed with the direction to the official-respondents to pass fresh order after taking into consideration

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

² CWP No. 7278/2022 decided on 06.03.2023



the correctness and veracity of the report of the Tehsildar submitted vide Annexure P-5.”

1(ii) Pursuant to above, the Deputy Commissioner, Una passed fresh consideration order on 06.04.2023 rejecting the claim of the applicant as being factually incorrect and contrary to the record. Petitioner, now instituted ***Kashmir Chand Vs. State of H.P. & Ors.***³ seeking following substantive relief: -

“that impugned orders dated 6.4.2023, Annexure P-3 may very kindly be quashed and set aside with directions to respondents No. 1 & 2 to immediately and forthwith prepare correct tatimas of Khasra No.2950/1 (old) and Khasra Nos. 1829, 18930, 1831, 1832 and 1833 (new) by entering the same in the names of private respondents herein i.e. legal representatives of Santu (non-occupancy tenants) and in lieu thereof land measuring 9 kanal 1 marlas from Khasra No. 1857 (new) may be cancelled from the names of legal representatives of Santu and given to the legal representatives of Shri Dhanna Singh i.e. petitioner and proforma respondents herein, along with Khasra No. 1835 which is in their names and justice may be done to them.”

As can be deciphered from the above-extracted relief clause, the petitioner had prayed for land measuring 9 kanal 1 marla from Khasra No. 1857 (New). The above petition was decided on 14.06.2023, whereby the impugned order dated 06.04.2023 was set aside, and the Deputy Commissioner was directed to decide the case on the basis of the stand taken by the respective parties. Relevant portion of the judgment is extracted hereinafter: -

“4. The Deputy Commissioner has again decided the case, but has not acceded to the request of either petitioner herein or for that matter respondents No. 3 to 7.

³ CWP No. 2659/2023 decided on 14.06.2023



5. Today, though some of the private respondents are present and have expressed their no objection to the instant petition being allowed in terms of the prayer clause, however for want of their identity being reasonably established, we are not persuaded enough to accede to such request.

6. Therefore, in the given facts and circumstances, we are of the considered view that the interest of justice would be subserved in case the the order dated 6.4.2023 (Annexure P-3) is set aside and respondent No.2-Deputy Commissioner is directed to decide the case on the basis of the stand of the respective parties. Ordered accordingly.

7. The petitioner and respondents No. 3 to 7 to appear before respondent No.2 on 28.6.2023, who shall then proceed to record the statement(s) of the petitioner and respondents No. 3 to 7 and dispose of the case accordingly.

8. The instant petition is disposed of, in the aforesaid terms, so also the pending application(s), if any."

1(iii) Fresh consideration order, thereafter, was passed by the Deputy Commissioner, Una on 27.08.2023. Portion relevant to the context from the order passed by the Deputy Commissioner, Una, District Una, goes as under: -

"Taking into consideration the statements of the parties and the report submitted by AC to DC dated 30/08/2023 and on the basis of mutual settlement between the parties, Khasra numbers 1829/1 (0-02-30 hect) 1830 (0-02-90 hect), 1831 (0-03-32 hect), 1832 (0-04-68 hect) kitta-4, total area measuring 0-13-20 hectares which is recorded in ownership and possession of Kashmiri Lal alias Kashmir Chand s/o Dhanna S/o Butta (Petitioner) half of total share (निसफ़), Sarwan Singh, Ishar Singh, Swaran Singh sons of Ram Asra S/o Dhanna equal shareholders of remaining half share and actually possessed by Aman Choudhary son, Kumari Anuradha, Kumari Anjali's daughters and Smt. Jyoti Devi widow and Smt. Piaro Devi mother of late Somnath S/o Tarsem Lal equal shareholders of 1/3rd share, Davinder Pal S/o Joginder Singh S/o Sant Ram 1/3rd shareholder Sunil Kumar Kesar Singh sons Smt. Sonu D/o Kishan Chand S/o Sant Ram 1/3rd shareholders on the spot and therefore taking into consideration the mutual agreement between the parties, the spot possession of Sh. Aman Choudhary etc. is allowed to



remain unchanged. In exchange Sh. Kashmiri Lal alias Kashmir Chand etc. are given ownership and possession of Khasra Number 1857/1 measuring 0-13-19 hectares which is recorded in possession of Sh. Aman Choudhary etc, being non-occupancy tenants but given the provisions of The Himachal Pradesh Tenancy and Land Reforms Act, 1972 are owners in possession for all practical purposes.

Khasra number 1829/2 measuring 0-05-88 hectares which is recorded in the ownership and possession of Kashmiri Lal alias Kashmir Chand etc. but on the spot, actual possession is found to be with Rajneesh Kumar's son, Smt Subhash Kumari, Alka Rani, Ravinder Kumari, Anjana Devi daughters Smt. Raj Rani widow of Hansraj equal shareholder of 1/4th share. Chuhar Singh S/o Rattna alias Ratan Chand S/o Ram Rakha 1/4th shareholder, Kashmiri Lal, Shamsheer Singh S/o Ram Rakha S/o Gonda 1/2 share and therefore taking into consideration the mutual exchange agreement between the parties, the possession on spot is allowed to remain unchanged and in exchange of said land Khasra number 1157/1 measuring 0-05-78 hectares recorded in possession of Sh. Rajneesh Kumar etc, non-occupancy tenants is given to Sh. Kashmiri Lal alias Kashmir Chand etc. As per provision of The Himachal Pradesh Tenancy and Land Reforms Act, 1972 Sh. Rajneesh Kumar etc. are having ownership and possession for all practical purposes.

All the Khasra numbers mentioned above are part of joint land/Khewat and spot possession among shareholders is verified and exchange of land has been ensured as per existing possession of land among shareholders. The land in exchange given to Sh. Kashmiri Lal alias Kashmir Chand etc and possession on spot also delivered to him. At any time in future when partition of land takes place, Sh. Kashmiri Lal alias Kashmir Chand etc. will be provided land as per attached spot map of Khasra numbers and separate Khata/khewat will be prepared accordingly. The report of AC to DC Una constitutes the part of the order. It is ordered accordingly. Copy of the order be sent to all the parties concerned."



In the impugned order dated 27.09.2023, the petitioner has been given ownership & possession of Khasra No. 1857/1 measuring 0-13-19 hectares.

2. Learned Senior Advocate for the petitioner submitted that, pursuant to the directions issued in **Kashmir Chand²** and **Kashmir Chand³**, the petitioner, under the impugned order dated 27.09.2023, though has now been conferred ownership and possession of Khasra No. 1857/1 in terms of the tatima (at page 113 of the paper book), however, the said tatima reflects that Khasra Nos. 1857/1 and 1857/2 have been separated diagonally. According to the learned Senior Advocate, the diagonal separation of the two khasra numbers has caused prejudice to the petitioner. Rather, there ought to have been a straight separation between these two numbers from top to bottom, which would have ensured not only more area for the petitioner on the front side, but also proper cultivable area for him.

3. I am not inclined to agree with the submissions made on behalf of the petitioner. While deciding **Kashmir Chand³**, directions were issued to the Deputy Commissioner, Una, to decide the case on the basis of the stand of the respective parties. The reply filed by the respondents is to the effect that, while deciding the case afresh, due regard was given to the submissions & statements made by all the parties, including that of the petitioner. Petitioner's statement is available at page 77 of the paper book, wherein he had desired the



area from Khasra No. 1857. Statements of other stakeholders were also recorded and were given due consideration while passing the order. As per the reply filed, the parties had mutually agreed on the spot for partition and allotment of the land in the manner allotted under the impugned order passed by the Deputy Commissioner. Possession of the land given to the petitioner in exchange was also delivered to him.

To the application bearing CMP No. 18848/2024 instituted by the petitioner, the respondent-Deputy Commissioner, Una, has filed a separate reply. In the said application, the petitioner had placed on record his proposal for separating Khasra Nos. 1857/1 and 1857/2 from top to bottom, instead of the diagonal separation carried out by the respondents in the impugned order. The respondent-Deputy Commissioner, Una, in his reply, has categorically pleaded that the affected parties were again called with respect to the proposal of the petitioner, but they did not agree to petitioner's proposal.

As noticed above, directions in ***Kashmir Chand***³ were issued to the Deputy Commissioner, Una, to decide the case on the basis of the stand of the respective parties. In the given facts and circumstances, and taking into consideration the pleadings of the parties, more specifically those of the Deputy Commissioner, Una, supported with documents, it has to be held that the impugned order has been passed on the basis of the respective stand of the parties.



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The petitioner had desired allotment of land from Khasra No. 1857, which stands allotted to him under the impugned order. Hence, no case for interference with the impugned order dated 27.09.2023 passed by the Deputy Commissioner, Una, District Una, is made out. Accordingly, the instant petition, being devoid of merit, is dismissed. Pending application(s), if any, also stand disposed of accordingly.

Jyotsna Rewal Dua
Judge

16th June, 2026 (rohit)