

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 13384 of 2024

Decided on: 14.10.2025

Tirath Ram and others ... Petitioners

Versus

The Deputy Commissioner-cum-District Collector,
Solan and others ... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioners : Mr. Shriyek Sharda, Advocate.
For the respondent : Mr. Rajpal Thakur, Additional
Advocate General.

Ajay Mohan Goel, Judge [Oral]

By way of this writ petition, the petitioners have *inter alia* prayed for the following relief:-

- “i) That a writ of certiorari may kindly be issued and the impugned order dated 04.09.2023 passed by respondent no.3 annexed herewith as Annexure P-1, may kindly be quashed and set aside.
- ii) That a writ of mandamus may kindly be issued to the respondent authorities to register/execute the sale deed in furtherance to the sale agreement dated 30.06.2022 i.e., Annexure P-5.

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

iii) That an appropriate direction may kindly be passed declaring the petitioners to be absolutely entitled for transfer of land comprised in Khewat No. 94/114, Khasra 188/2-6, 678/192/2-2, 193/1-11, 194/1-12, 195/0-1, 196/0-14, 197/1-12, at Village Daddi Kaniya, Tehsil Nalagarh, District Solan measuring 9.90 Bigha, by way of mortgage, lease, sale, gift etc with respect to multiple number of times in future.”

2. When this case was listed before this Court on 08.10.2025, the following order was passed:-

“Heard for some time. To enable, learned Additional Advocate General to have instructions as to what is the impediment in the execution of the Sale Deed, list on 10.10.2025. It is clarified that this Court is of the considered view that as the petitioners have purchased the suit land in auction, they have a right to deal with it in the mode and manner in which they want to and any red entry in the revenue record which is not relatable to the petitioners cannot act as an impediment so as to curtail their constitutional rights qua the suit property.”

3. On 10.10.2025, on the request of learned Additional Advocate General, the case was adjourned for today. Today again, a request is being made for grant of more time which is opposed by learned Counsel for the petitioners and declined. Accordingly, the Court has heard the case on merit.

4. The grievance of the petitioners is that despite the fact that the petitioners are owners in possession of the land in issue,

which they had purchased in an open auction, now the respondents are not allowing the petitioners to sell the said land on the pretext that there are red entries in the revenue record relating to said land in favour of the State Excise and Taxation Department and the Himachal Pradesh Electricity Board.

5. Learned Counsel for the petitioners has argued that the property in issue was purchased by the petitioners in an open auction. The purchase of the said property has conferred ownership rights upon the petitioners, free from all encumbrances. That being the case, they have a right to deal with the property in the mode and manner in which they intend to and so called red entries in the revenue record cannot be an impediment in the way of the petitioners to sell the land for the reason that these red entries are not related to the petitioners but are related to the erstwhile owners of the property, which in auction was successfully purchased by the petitioners. Accordingly, he submitted that the denial of the right of the petitioners to sell the property is bad in law.

6. On the other hand, learned Additional Advocate General has drawn the attention of the Court to the reply filed to the writ petition and submitted that in light of the fact that there are red entries in the revenue record, the land cannot be sold till said red entries in the revenue record are not deleted. As these entries cannot be deleted unless a no objection certificate is issued by the

Departments concerned, no permission to sell the land in issue can be given to the petitioners as is being sought.

7. Having heard learned Counsel for the parties and having carefully gone through the pleadings as well as documents appended therewith, this Court is of the considered view that the act of the respondents of not allowing the petitioners to deal with the property in the mode and manner, in which, they want to deal with the same is arbitrary and not sustainable in the eyes of law. It is not as if the petitioners had taken any loan or owed anything to the H.P. State Excise and Taxation Department or the Electricity Board. The fact of the matter is that the property in issue originally belonged to one M/s Nalagarh Steel Rolling Mills Private Limited, which was put to auction under the provisions of SARFAESI Act. The petitioners were the successful bidders and upon payment of the bid amount, a sale certificate was issued and the property was mutated in their favour, that too with the indulgence of this Court, as is evident from the orders appended with the petition. The red entries, if any, in the revenue record relating to the land, in fact, become meaningless after the land itself is sold to a third party in an open auction. Those red entries which are intra M/s Nalagarh Steel Rolling Mills Pvt. Ltd. and the Excise and Taxation Department and the Electricity Board cannot be an impediment in the way of the petitioners to sell the land because this amount, as is reflected in the revenue record, is not

owed by the petitioners to the Excise Department or the Electricity Board. Therefore, though the right of Excise and Taxation Department as well as the Electricity Board to recover the remaining amount from M/s Nalagarh Steel Rolling Mills Pvt. Ltd. still remains but as far as the property purchased by the petitioners is concerned because the same was put to sale by way of open auction for recovery of the part of the amount that M/s Nalagarh Steel Rolling Mills Pvt. Ltd. owed to the Excise and Taxation Department and the Electricity Board, the revenue entries cannot now stop the petitioners from dealing with the property in the mode and manner in which they intend to.

The petition is accordingly allowed and the respondents are directed to permit the petitioners to deal with the property in issue in the mode and manner in which they intend to by allowing them to sell the same in accordance with law. Pending miscellaneous applications, if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

October 14, 2025
(*narender*)