



**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP Nos.18822 & 18847/2025

Decided on: 10.04.2026

1. CWP No. 18822/2025

Jaswant Singh

...Petitioner

Versus

State of H.P. & Ors.

....Respondents

2. CWP No. 18847/2025

Jaswant Singh

...Petitioner

Versus

State of H.P. & Ors.

....Respondents

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner(s):

**Mr. Aman Parth Sharma,
Advocate in both the petitions.**

For the respondents:

**Mr. Rajat Choudhary, Assistant
Advocate General, for respondents
No.1 & 2 in both the petitions.**

**Mr. Virender Thakur, Advocate for
respondent No.3 in both the
petitions.**

Jyotsna Rewal Dua, J.

Both these writ petitions arise out of a common order dated 22.08.2025 passed by the Divisional Commissioner, Kangra at Dharamshala, whereby the applications moved under Order 41 Rule 5 read with Section 151 of the Code of Civil Procedure by

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



respondent No. 3 were allowed, and operation of the orders dated 18.12.2024 in Case No. 45/2018 and order dated 18.12.2015 in Case No. 3/2013, passed by the Collector-cum-Sub Divisional Officer (C), Palampur, District Kangra, was stayed in Revenue Revisions Nos. 198 & 199/2025 till the next date of hearing.

2. The grievance of the writ petitioner(s) is that Revenue Revisions No. 198/2025 and 199/2025 were barred by limitation, and for this reason, respondent No. 3, while filing his revision petitions under Section 17 of the Himachal Pradesh Land Revenue Act, 1954, also filed applications under Section 5 of the Limitation Act for condonation of delay in moving the said petitions. Without deciding the applications under Section 5 of the Limitation Act, the Divisional Commissioner, Kangra at Dharamshala, could not have stayed the operation of the orders of the Sub Divisional Collector.

3. Having heard learned counsel for the parties and upon considering the case file, the factual submissions made on behalf of the petitioner are found to be justified. The documents on record establish that both the revision petitions preferred before the Divisional Commissioner, Kangra at Dharamshala, were barred by limitation and were accompanied with applications seeking condonation of delay, which in one petition is stated to be of years together. The quasi-judicial adjudicating authority ought to have considered and decided the applications moved under Section 5 of



the Limitation Act before proceeding to consider the applications for grant of interim relief.

In view of the above, both these writ petitions are allowed. The impugned order dated 22.08.2025 in both the writ petitions is set aside. The parties, through their learned counsel, are directed to appear before the Divisional Commissioner, Kangra at Dharamshala, on **05.05.2026**, i.e. the date stated to have been assigned for the next hearing in the aforesaid revision petitions. The Divisional Commissioner shall first consider and decide the applications moved by respondent No. 3 for condonation of delay in filing the revision petitions. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

10th April, 2026_(rohit)