



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2999 of 2016

Decided on: 8th May, 2026

Sohan Lal

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Ravinder Singh Jaswal, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta, Additional Advocate
General.

Jyotsna Rewal Dua, Judge

CMP No.9873 of 2026

Allowed and disposed of.

CWP No.2999 of 2016

With the consent of learned counsel for the parties, the matter has been heard at this stage.

2. Respondent No.2-Collector-cum-Divisional Forest Officer, Rohru passed an order on 18.03.2016 under the H.P. Public Premises and Land (Eviction and Rent Recovery) Act, 1971 holding that the petitioner-Sohan Lal S/o late Sh. Fhagnu was in unauthorized occupation of the land

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



comprised in Khasra Nos.124 & 125, measuring 1-22-02 hectares and therefore, ordered his eviction. Petitioner feels aggrieved against the aforesaid order.

3. The impugned order, *inter alia*, records the petitioner having accepted to have encroached upon Khasra Nos.124 & 125, measuring 1-22-02 hectares. This admission was relied upon by respondent No.2 while passing the eviction order against the petitioner. The aforesaid order also records about the petitioner having stated that the case for regularization of possession over the land in question was requested for by his late father-Sh. Fhagnu.

4. The respondents have filed reply to the writ petition. In terms of the reply, petitioner's father-Sh. Fhagnu had applied for grant of land under Natour Scheme in the year 1973. He was sanctioned natour land under the Natour Rules, 1968 to the extent of 13 Bighas, 11 Biswas comprised in old Khasra No.147/1, situated at Mohal Khalai, Sub-Tehsil Tikkar, District Shimla. Petitioner's father had also paid *nazarana* of Rs.677-50 paisa for grant of natour. Respondents have also admitted that the land comprised in Khasra Nos.124 & 125, measuring 1-22-02 hectares, was carved out from old



Khasra No.147/1. Relevant portions from the reply are as under:-

- “2. That the contents of this are admitted to the extent that Sh. Fhagnu Ram the father of the petitioner applied for grant of land under Natour Scheme in the year 1973 and was sanctioned Natour Land under the Natour Rules 1968 to the extent of 13 biga-11 biswa comprised in old khasra No.147/1 is situated at Mohal Khalai, Sub-Tehsil Tikkar, District-Shimla and he had also paid the Nazarana of Rs.677-50 paisa for the grant of Natour.
6. That the contents of this para are admitted to the extent that the land bearing old khasra No.147/1 measuring 13-biga 11 biswa which now have been carved out in khasra No.124, 125 kite-2 area measuring 1-22-02 hectare has at Mauza-Khalai have been sanctioned in favour of the father of the petitioner.”

Apart from above, the respondents have admitted the possession of the petitioner over the land in question ever since.

5. In view of the stand taken by the respondents in the reply, the petitioner cannot be held to be an encroacher as the land was duly sanctioned and allotted to his father by the respondents under the Natour Rules, 1968. Accordingly, the impugned order dated 18.03.2016 (Annexure P-7) is set aside.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

May 08, 2026
Mukesh

Jyotsna Rewal Dua
Judge