



(2026:HHC:15374-DB)

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA****LPA No. 159 of 2016.
Reserved on 18.04.2026
Pronounced on: 08.05.2026
Uploaded on: 08.05.2026**

Harmesh Chand and othersAppellants.*Versus*

State of H.P. and othersRespondents.

*Coram:***The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice B.C. Negi, Judge.***Whether approved for reporting?*

For the Appellants : Mr. Ajay Sharma, Senior Advocate
with Mr. Atharv Sharma, Advocate.For the respondents: Mr. Rakesh Dhaulta, Additional
Advocate General for respondents No.
1 & 5 to 7.
Mr. R.K. Gautam, Sr. Advocate with
Ms. Radhika Gautam, Advocate for
respondents No. 2 (a) to 2 (d), 3 and
4.

G.S. Sandhawalia, Chief Justice.

Consideration in the present Letters Patent
Appeal filed by the owners of the land is laid to the
judgment dated 05.08.2016, rendered by the learned Single
Judge in **CWP No. 7550 of 2010**, titled **Murli Ram and**



others vs. State of H.P. and others, whereby the writ petition filed by the petitioners-tenant was allowed and order dated 27.08.2010 (**Annexure P-7**) passed by the Financial Commissioner (Appeals), was set aside, whereby he had allowed the Revision petition filed by the landowners quashed the order dated 13.03.2006, (**Annexure P-5**) passed by the Commissioner, Kangra Division and upheld the order dated 20.05.2002, passed by the Land Reforms Officer and order dated 11.06.2003, (**Annexure P-3**) passed by the Collector (ADM), Kangra, H.P. Consequently order dated 05.12.2001 (**Annexure P-1**) and 20.05.2002 (**Annexure P-2**) passed by the Land Reforms Officer Baijnath and Financial Commissioner were quashed and set aside.

2. Before we proceed further in the matter, brief facts to the extent relevant, shorn of all unnecessary details, may be noticed. It is to be noticed that as we are of the considered opinion that the matter could have been remanded back for fresh decision to the authorities below rather than closing the proceedings as has been done by the learned Single Judge, so we proceed to examine the factual matrix.



3. Apparently, private respondents herein were tenants under the father of the appellants herein on payment of 'Gala Batai' in revenue village Sheetla Devi. Smt. Ram Rakhi widow of late Sh. Jagdish Chand filed an application through her General Power of Attorney Sh. Barthu Ram before the Land Reforms Officer, Baijnath District Kangra, H.P. stating therein that the father of the appellants herein Sh. Jagdish Ram had moved a LR-V application on 01.12.1975 for resumption of land from the tenants but the said application had been misplaced and therefore a new LR-V application was filed again by the appellants herein because Sh. Jagdish Ram had expired. The Land Reforms Officer, Baijnath allowed the LR-V the resumption application vide order dated 20.5.2002 **(Annexure P-2)** directing the tenants-private respondents herein to give land measuring 0-12-91 hectares to the appellants herein.

4. Being aggrieved and dissatisfied with the said order dated 20.05.2002 **(Annexure P-2)**, the private respondents herein filed an appeal before the Collector/ADM, Kangra District on the ground that the Land Reforms Officer, Baijnath had wrongly allowed the LR-V



application. The Learned Collector/ADM dismissed the appeal vide order dated 11.06.2003 (**Annexure P-3**) and upheld the order passed by the Land Reforms Officer, Baijnath. Feeling aggrieved, the tenants preferred a second appeal before the Commissioner, Kangra Division, who vide order dated 13.03.2006 (**Annexure P-5**) allowed the appeal and set aside the order passed by the Collector (ADM) dated 11.6.2003 (**Annexure P-3**).

5. The appellants/landowners herein felt aggrieved by the order passed by the Divisional Commissioner Kangra dated 13.03.2006 (**Annexure P-5**) and preferred Revision Petition under Section 114 (3), H.P. Tenancy and Land Reforms Act, 1972 (hereinafter referred to as '1972 Act'), challenging therein the order dated 13.03.2006 (**Annexure P-5**) passed in Appeal No. 297 of 2003. The Financial Commissioner (Appeals) H.P., Camp at Dharamshala, based on the averments contained in Revision Petition filed by the appellants herein allowed the Revision Petition vide order dated 27.08.2010 (**Annexure P-7**) and set aside the order dated 13.03.2006, (**Annexure P-5**) passed by the Divisional Commissioner, Kangra Division at Dharamshala. Resultantly, the orders passed by the Land Reforms Officer,



Baijnath dated 20.5.2002, (**Annexure P-2**) and Collector/ADM, Kangra dated 11.06.2003 were upheld.

6. The respondents/tenants herein aggrieved by the aforesaid order dated 27.08.2010 (**Annexure P-7**), order dated 11.06.2003, (**Annexure P-3**), order dated 20.05.2002 (**Annexure P-2**) and order dated 05.12.2001 (**Annexure P-1**) filed the Writ petition (CWP No. 7550 of 2010) before this Court on the ground that same were not sustainable in eyes of law as the same were not based upon the correct appreciations of the documentary evidence produced on record. The learned Single Judge has allowed the said writ petition and quashed the aforesaid orders vide order dated 05.08.2016.

7. The learned Single Judge was of the considered opinion while taking into account the provisions of the '1972, Act' namely Section 104 and the relevant Rules 21, 22 & 24. of the Himachal Pradesh Tenancy and Land Reforms Rules, 1975 (hereinafter referred to as '1975 Rules') that the application filed on 02.11.1999 by owners for resumption of land was hit by the violation of principles of natural justice as no notice was issued regarding the filing of the said application. Secondly, since the said



benefit as such would only be exercised by the landowners by 31.12.1975 and when the proceedings were conducted by the Land Reforms Officer, Baijnath before 05.12.2001, resultantly, it was held that the landowners could not be allowed to file fresh LR-V form merely on the basis of the receipt dated 01.12.1975 **(Annexure R-I)** and thus the authorities had not ascertained the genuineness and correctness of the claim put-forth on behalf of the landowners while examining the order dated 20.05.2022 **(Annexure P-2)** passed by the Land Reforms Officer, Baijnath whereby the landowners were held entitled to resume the land measuring 0-12-91 in terms of the provision of Section 104 of the '1972, Act'. It was held that there was no details given of any inquiry or statements of both the parties made, if any, and therefore the procedure prescribed was not strictly adhered to while allowing the application bearing No.1983/LRBT dated 02.11.1999.

8. Thirdly, it was also held that the said Officer had not dealt with the issue of delay in maintaining the application and the Officer had not ascertained for which part of the land predecessor in-interest of respondents No.5 to 8 are owners. The land-owner had filed LR-V application



form (**Annexure P-5**) against the receipt which had been issued on 01.11.1975 in terms of Rule 22 of the '1975, Rules'. It was noticed in the said Rule which provided that the landowners has more than one tenant from whom he intends to resume land under the provisions of Section 104, he has to select the land for resumption from the tenant holding the largest area of tenancy land and then from the tenants who hold lesser tenancy land in descending order.

9. Accordingly, it was noticed that the landowners as such had filed two applications for resumption of land and one had been decided by the Land Reforms Officer, Baijnath on 14.12.1976 and therefore, he had not ascertained which of the two applications filed were allowed as the receipt did not show whether the same was filed qua the land in dispute situated in Mohal Sheetla Devi and there was nothing on record to show that another application had been filed by original landowners for resumption of land and the effect of resumption of land in some other Mohal had been allowed and to what extent they were allowed to resume the land from the possession of the other tenants.

10. Lastly, the absence of explanation for delay between 01.12.1975 to 02.11.1999 prevailed with the



learned Single Judge and the lack of explanation and the reasons for not raking of the claim earlier and therefore, it was held that it was incumbent upon them to locate the earlier application and take it to the logical end and therefore the delay of 16 years (*sic*) 26 years could not be countenanced. Also, keeping in view the fact that the two applications of LR-V forms by the predecessor-in-interest could not be filed without giving explanation, whatsoever on record to justify the filing of two applications, since it had been noticed by the Divisional Commissioner, Kangra on 13.03.2006 (**Annexure P-5**) that LR-V form had also been preferred for resumption of land falling in Mohal Paprola which had been decided on 14.12.1976 and the benefit could only be taken in the manner prescribed under Rule 22 of the '1975, Rules'. The owner was required to give complete details of land in one go, which he intends to resume, while submitting LR-V form.

11. The order of the Financial Commissioner (Appeals) was thus held not to be justified and suffering from grave error while upholding the claim of the landowners and resultantly, the initial order dated 05.12.2001 as such passed by the Land Reform Officer had



not been valid while initiating the proceedings and resultantly the subsequent order dated 20.05.2002 **(Annexure P-2)**, whereby the resumption had been ordered was also void. Resultantly, the subsequent orders passed thereafter were quashed and resultantly the right of the resumption of land of the landowners was closed.

Argument of the learned Senior Counsel for the appellants:-

12. Mr. Ajay Sharma, learned Senior Counsel for the appellants has thus submitted that on account of the misplacement of the file of application from of LR-V for resumption of land by the authorities the appellants could not be prejudiced and faulted and therefore, it was only a reconstruction of the file as per the procedure prescribed. It is thus submitted that on account of the fact that the proceedings were initiated on 02.11.1999 and held to be barred by limitation was not correct since it was only a case received by transfer by the authorities. It was specific argument that the State itself had placed on record the receipt dated 01.12.1975 **(Annexure R-I)** which was within limitation and therefore, the learned Single Judge was not justified by giving closure to the proceedings. It is submitted



that the necessary form had been filled and as per Rule 21 sub-Clause 2(1)(i), the limitation was 31.12.1975, as per the notification dated 15.12.2025. It was contended that it was only a ministerial act as such for tracing the file and no notice as such had to be issued to get the application moving. Accordingly, it was contended that for the two villages in question, the application had been filed and for village Mohal Sheetla Devi, the application was misplaced and apparently the benefit was also given in 1976 for village Paprola in one case and as noticed by the authorities and therefore it was not justified for the learned Single Judge to close the proceedings.

13. While placing reliance upon the order dated 20.05.2022, it was held that notices were issued in the resumption proceedings and the tenants were ex-parte at one stage and the said proceedings and the tenants were set aside and thereafter the final order of the resumption of land was passed. Rule 24 of 'Rules, 1975' prescribed the issuance of notice and the procedure and at that stage, the needful had been done which would be clear from the said order since only after the receipt of the application, the notice had been issued in form LRVII to ask the parties to be



present and to be heard and if the selection of the land had to be made by the land-owner under Rule 22 of the 'Rules, 1975', thereafter the Land Reforms Officer, Baijnath had to pass an order for the extinguishment of the rights of the tenants in such land after selection and possession of the land and the same had to be delivered to the landowners from the date to be specified in the order. For the remaining land of such tenant or tenants the Land Reforms Officer, Baijnath was to confer proprietary rights on such tenant or tenants.

14. It was also contended that the order dated 20.05.2002 (**Annexure P-2**) had never been challenged whereby the resumption of the land had been permitted which would be clear from filing of the proceedings before the Collector (ADM), Kangra, H.P. on 15.05.2002 which was thus only against the initial order dated 05.12.2001 (**Annexure P-6**) which was ministerial act to allow the tracing of the file of the application which was moved in 1975.



Argument of the learned Senior Counsel for respondents No.2 (a) to 2 (d), 3 and 4.

15. Mr. R.K. Gautam, learned Senior Counsel, for respondents No.2 (a) to 2 (d), 3 and 4 representing the tenants, on the other hand, held out that no notice was issued after 1975 and the fact that the benefit was already granted in other revenue estate as such had also been noticed and not taken into account which would be clear from the order of the Collector (ADM), Kangra, H.P. dated 11.06.2003 when the appeal was dismissed of the tenants while noting that LR-V No. 753 of the entire land had been decided by the Land Reforms Officer, Baijnath on 14.12.1976 which was an argument raised as such by the counsel for the tenants. It was also contended that it was the own case as such of the tenants before the Divisional Commissioner that the landlord Jagdish Chand resumed the land as per Missal No.753-LR-V decided on 14.12.1976 and therefore it could be said that the application had been filed in the year 1999 as has been held by the learned Single Judge.

16. It was further argued that the order dated 20.05.2002 (**Annexure P-2**) had merged into the initial



proceedings dated 05.12.2001 (**Annexure P-6**) initiating the same and therefore since the challenge had been raised to the order dated 05.12.2001 (**Annexure P-6**) before the Collector (ADM), Kangra, H.P. which was subject matter of further proceedings and therefore, the requirement as such of challenging the subsequent order dated 20.05.2002 (**Annexure P-2**) allowing the Land Reforms Officer, Baijnath to resume the land need not be challenged.

17. He however could not meet the said argument as such on the issue of remand, keeping in view the fact that the valuable rights of the land-owner was involved and the arguments raised by the learned Senior Counsel for the appellants regarding the proceedings having been given a closure as such.

Reasoning for the decision of the case:-

18. A perusal of the record would go on to show that apparently, there is a receipt on the record furnished by the State itself which shows that the necessary application was filed way-back on 01.12.1975 (**Annexure R-I**) which is in the prescribed form LR-VI as per the provision of Rule 22 of the 'Rules, 1975'. The stand as such of the State in the written statement would also go on to show that the



predecessor of the present appellants and the original land-owner had filled up the LR forms for resumption of land and the same was mis-placed and the receipt of LR form as such produced was dated 01.12.1975 (**Annexure R-I**) and therefore after making proper inquiry the landowners as such was allowed to fill up the form and the necessary notices were also issued to the tenants and the *munadi* had also been conducted. The said receipt (**Annexure R-I**) reads as under:-

*"Form LR-VI
(See Rule 22)*

Receipt under Rule 22 to be issued to the Landowner About Receipt of Form LR-V regarding reservation of land. By the Land Reforms Officer.

Received statement of reservation of land for personal cultivation from Shri. Jagdish Chand s/o Shri Garib Dass (landowner) resident of Jaisinghpur Tehsil Palampur District Kangra to-day the 1-12-1975 personally or through his authorised agent.

Dated: _____ *Land Reforms Officer
District
1-12-"*

19. Apparently, the file was re-created vide order dated 05.12.2001 which would be clear from the reading of **Annexure P-1**, which reads as under:-

*"19-10-01: File LRV-753 has been requisitioned
To come for consideration on file on 8-11-02.*

*08-11-01: To come up for decision on 05-12-01.
Announced.*

*5-12-01: The proceedings are allowed to be initiated in
accordance with the LRV. As per the receipt of
the LRV, order qua filling up of form is allowed.*

Announced.



Sir,

Pursuant to the order in LRV, the applicant has produced after filling it and the same has been enclosed with the file. Therefore, in furtherance of the proceedings, it is appropriate to pass an order to issue summons to the tenant and list the matter for hearing on 08-01-02.

LR

*Allowed.
Sd/-
LRO"*

20. A perusal of the order dated 20.05.2002 (**Annexure P-2**) would also go on to show that the Land Reforms Officer, Baijnath specifically noticed the fact that the land-owner as such was entitled to resume 0-12-91 hectares, which was within limit and keeping in view the principle of consolidation of holding as such that the land-owner was allowed the said benefits from the tenants as per the details given in the schedule of the property rights. There is mention that the spot inquiry was conducted to ascertain the correctness and the tenants inspected and verified and the statements recorded were placed on file but the same were not as such referred in detail which weighed with the learned Single Judge. It is also necessary to notice that the order was challenged in appeal before the Collector (ADM), Kangra, H.P., who noticed that the original land-owner namely-Jagdish Chand had filed two LR-V forms on 01.12.1975, one for Tikka Paprola and other for Tikka



Sheetla Devi and on the creation of the new Tehsil of Baijnath and subsequent shifting of record, the LR-V form of Mohal Sheetla Devi were untraceable and therefore the new LR-V form had been allowed to file by the Land Reforms Officer, Baijnath on the basis of entries of LR-V register which of course was available. This is the finding of fact by the Collector as such which the learned Single Judge did not deal with which reads as under:-

"I have considered the arguments of both of the parties advanced by their Ld. Counsels and gone through the order of lower court. From the persual of the lower court file it reveals that the father of the respondents (Jagdish Chand) who had filed two LR-V From on 1.12.75, one of Tikka Paprola and one of Tikka Shitla Devi. Consequent to the creation of new Tehsil Baijnath and subsequent shifting of record, the LR-V of Mohal Shitla Devi were untraceable due to which Land Reforms Officer allowed to file new LR-V form on the basis of entries of LR-V register which of-course was available."

21. As it would be apparent from the receipt **(Annexure R-I)** also that there was no dispute that the application had been filed and the relevant receipt was before the cut-off date was 31.12.1975. Thus, it was imperative for the authorities to take into account, the benefit which had been already granted for the other village i.e. Paprola and the land to Jagdish Chand, keeping in view



the provisions of Rule 22 of the 'Rules, 1975' which provides the manner in which the land has to be selected for resumption from the tenants holding the largest area. The said Rule reads as under:-

"22. Manner of selection of land for resumption-The Land Reforms Officer shall issue receipt of the Form LRV received by him under sub-rule (1) to the landowner in Form LRVI. If the land of the landowners is with more than one tenant from whom he intends to resume land under the provisions of section 104, he shall select the land for resumption from the tenant holding the largest area of tenancy land and then from the tenants who hold lesser tenancy land in descending order. The landowners who hold the tenancy land jointly, they shall resume the land with respect to their shares keeping in view the principles of consolidation of holdings."

22. It was always permissible as such for the Collector (ADM), Kangra, H.P. to have examined and to call for the record of the Missal No.753/LR-V to ascertain as such to the entitlement of the land-owner and then take decision which the learned Single Judge noticed as such and had come to the conclusion that two separate applications were filed which was not permissible. The record as such having been misplaced, we are of the considered opinion that the cutting short as such of the right of the land-owner for resumption would not be justified.



23. The Financial Commissioner (Appeals) has recorded that the LR-V form for resumption of land filed on 01.12.1975 was of comprising khewat No.45 khatauni No.72, 73, 74 kita 6 measuring 0-51-65 hectares to the extent of half shares in Mohal Sheetla Devi, mauza & Tehsil Baijnath. Accordingly, it was noticed that vide order dated 05.12.2001, the Land Reforms Officer, Baijnath allowed LR-V form to be filled on the basis of receipt and thereafter passed the order dated 20.05.2002. Accordingly, it was held that the time had been extended upto 31.12.1975 and as per the amendment of Rule 21 of 'Rules, 1975' the Divisional Commissioner, Kangra vide order dated 13.03.2006 (**Annexure P-5**) was wrong in coming to the conclusion that the LR-V form as such had been filled after the prescribed date. Resultantly, he interfered in the order and set aside the same while upholding the orders of the Land Reforms Officer, Baijnath and the Collector (ADM), Kangra, H.P. dated 20.05.2002 and 11.06.2003 which again had thus been set aside by the learned Single Judge.

24. Resultantly, we are of the considered opinion that the finding of fact which was recorded as such by the Collector (ADM), Kangra, H.P. regarding the fact that on



account of the creation of the new Tehsil of Baijnath and the shifting of the record led to the LR-V form not traceable which has not been addressed by the learned Single Judge. The same was done on the basis of the entries formed in LR-V register which, as noticed, is a fact admitted by the State in its reply.

25. In such circumstances, the appropriate relief that could have been granted to the tenants maximum of which was that the matter could have been remanded back to the Land Reforms Officer, Baijnath for fresh adjudication on merits as the factum regarding the benefit which was taken from village Paprola would be kept in mind and what would be the entitlement as such of the land-owner as such regarding the application filed from both the revenue estate and as per entitlement as per Rule 22 of the 'Rules, 1975' which has been reproduced above.

26. The finding as such given by the learned Single Judge that notice had to be issued before file was reconstructed is without any basis which was also noticed by the Financial Commissioner (Appeals) that the tenants have been given notice and initially had been proceeded against ex-parte on 08.03.2002 in the proceedings for



resumption of land. The ex-parte application was allowed on 08.04.2002 immediately a month later and at an earlier point of time they had filed the appeal. Thus, the finding as such recorded that there was no notice issued when the proceedings for resumption were initiated and the violation of the principle of natural justice, is without any basis since the Rule as such which provides notice to be issued is Rule 24 which provides that the requisite notice which is to be issued by the Land Reforms Officer asking the parties to come present and thereafter the selection of the land is to be made by the land-owner and if mutually agreed upon, the order can be passed about the extinguishment of the rights of the tenant in such land. The relevant Rule 24 reads as under:-

“24. Procedure for dealing with applications for resumption

-(1) On the receipt of the application under rule 21, the Land Reforms Officer shall issue a 10 days notice in Form LRVII to the parties asking them to be present before him on the date and place (within patwar circle) to be mentioned in the notice. On the date so fixed the Land Reforms Officer will hear the parties and if the selection of the land made by the landowner under rule 22 is mutually agreed upon by the parties, the Land Reforms Officer shall pass an order about the extinguishment of the rights of the tenant in such land. He shall further order that the possession of the land be given to the landowner from the date to be specified in the order. At the same time regarding the



remaining land of such tenant or tenants the Land Reforms Officer shall confer proprietary rights on such tenant or tenants, as the case may be."

27. In such circumstances, it cannot be said that the principle of natural justice has been violated regarding the initiation of the proceedings and the earlier process was only regarding the re-creation of the file. However, we are of the considered opinion that the order as such of the learned Single Judge to the extent that the order of Collector (ADM), Kangra, H.P. on 20.05.2002 (**Annexure P-2**) had not recorded the findings as such regarding the statements recorded under spot inquiry conducted and the correctness of the tenants entitlement which had been inspected and there is no mention regarding the earlier benefit taken of village Paprola is correct.

28. In such circumstances, we are of the considered opinion that the matter is liable to be remanded back to the Land Reforms Officer, Baijnath.

29. Accordingly, the matter is directed to be remanded to the Land Reforms Officer, Baijnath for fresh consideration of the application bearing No.1983/LRBT dated 02.11.1999 and the decision be thus taken after taking into consideration the provisions of all the relevant



Rules and also the entitlement of the landowners, keeping in view also that they earlier had secured benefits regarding the resumption of village Paprola and their entitlements to the resumption of land in village mohal Sheetla Devi.

30. Resultantly, the present appeal is allowed and the order of the learned Single Judge is modified to the extent. The parties shall put in appearance before the above Land Reforms Officer, Baijnath, Himachal Pradesh on **25.05.2026.**

31. Pending miscellaneous application(s) if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

8th May, 2026

(C.M. Thakur/Munish Thakur)