
(2010) 12 SHI CK 0052

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 510 of 2008

Krishan Dutt Sharma and Another

APPELLANT

Vs

State of HP and Others

RESPONDENT

Date of Decision : 27-12-2010

Acts Referred:

Himachal Pradesh Holdings (Consolidation and Prevention of Fragmentation) Act, 1971
— Section 54

Citation : (2010) 12 SHI CK 0052

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—By means of this petition, the Petitioners have prayed that the Respondents-State may be directed to re-notify/re-open Tikka Badla, Mauza Jangal, Tehsil & District, Hamirpur for consolidation operations and the notification dated 15.11.1988 issued for closure/de-notification of consolidation operations may be quashed and set aside and the State be directed to entertain appeals/revisions u/s 54 of the H.P. Holdings (Consolidation & Prevention of Fragmentation) Act, 1971.

2. The undisputed facts are that the area in question was notified for the purpose of consolidation of holdings in the year 1983-84. On 15.11.1988 the area was de-notified for consolidation operations meaning thereby that consolidation had come to an end.

3. According to the Petitioners in the year 2006 when the area was brought under settlement operations the right holders of the area came to know that wrong allotments of land had been made during consolidation. Thereafter the right holders of the village including the Petitioners made a representation to the Hon'ble Revenue Minister in this regard. The Minister concerned sought report of the field through the Settlement Officer (Consolidation) and Consolidation Officer, Hamirpur. On 4.7.2007, the Consolidation Officer, Hamirpur made a

recommendation in favour of the Petitioners and also recommended that the notification of closure of consolidation proceedings be cancelled. According to the Petitioners, thereafter they approached to the Director Consolidation, but these proceedings have not been decided.

4. stand of the Respondents-State is that the father of the present Petitioners was a Member of the Advisory Committee which was formed for the purpose of consolidation of holding. According to the Respondents-State after consolidation proceedings started objections in terms of the Consolidation Act were invited. Some parties filed objections and their objections were duly considered and decided. No appeal or revision was filed and the whole process of consolidation was completed in the year 1985 and the village was de-notified in the year 1988.

5. State also submitted that the report of the Consolidation Officer made in favour of the Petitioners prima facie did not appear to be correct since after 1988 for almost 20 years nobody has raised any grievance. Thereafter a detailed report was called from the Settlement Collector and according to this report about 95% possession of the holdings is according to the consolidation schemes. Further as per this report 5% right holders including the Petitioners have not exchanged their land intentionally. The Consolidation Act is an Act complete in itself provisions of which clearly lays down the principles and procedure to be followed while ordering consolidation of holdings. Furthermore, the Act itself provides for filing of objections and settlement of disputes. The Consolidation Operations were completed and settled in the year 1985 and the area de-notified in the year 1988. Representations were made for the first time in the year 2006. In such circumstances it would not at all be fair to re-open the consolidation proceedings.

6. In LPA Nos. 22 and 35 of 2004 decided by this Court on July 29, 2008 the decision of the State Government to cancel the declaration taken after 10 years was set aside on the ground of delay itself. Furthermore, I also find that no parties who are likely to be adversely affected in case the notification of closure is set aside have been arrayed as the Respondents. The father of the Petitioners was a Member of the Advisory Committee and merely because the Petitioners were serving in the Army does not mean that they can have the entire consolidation proceedings re-opened after 20 years. I therefore find no merit in this petition, which is accordingly dismissed. No costs.