
(2010) 10 SHI CK 0293
In the High Court Of Himachal Pradesh
Case No : L.P.A. No. 11 of 2005

Prem Lal Bambra

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 19-10-2010

Acts Referred:

Himachal Pradesh Land Revenue Act, 1954 — Section 163

Citation : (2010) 10 SHI CK 0293

Hon'ble Judges : Kurian Joseph, C.J.;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Petitioner is the appellant. The writ petition was filed with the following prayers:

(i) That the respondents No. 1 & 2 may be directed to initiate proceedings against the private respondents No. 3 to 7 u/s 163 of Himachal Pradesh Land Revenue Act, 1953 as well as under the provisions of the Himachal Pradesh Public Premises (Recovery & Rent Control) Act for eviction of the private respondents No. 3 to 7 from the Government land.

(ii) That the respondents No. 1 & 2 may be directed to evict the private respondents No. 3 to 7 from Government land comprised in Khasra Nos. 1328 to 1331 near college Chowk in village Kosrian, Pargana Sadar, District Bilaspur, Khasra Nos. 738, 739, 747 in up Mohal Kosarian, District Bilaspur and Khasra Nos. 397, 399, 400 and 1101 in Main Market in Bilaspur, H.P.

2. The writ petition was disposed of with the following directions:

(a) That respondents No. 1 and 2 shall frame a uniform policy to deal with all the cases of encroachment in Bilaspur Township regarding its regularization or otherwise as they may deem just and proper.

(b) If the Government decides to regularize the encroachment, then all case of such encroachers will be dealt with uniformly without any discrimination on any

ground whatsoever; and

(c) In case Government decides not to regularize the encroachment made by all the encroachers in the Township of Bilaspur, then all the cases will be taken up to their logical end, of course in accordance with law, and in such a situation all defences permissible under law to the encroachers will be examined on the basis of evidence and material that may be produced by each one of them during the course of such proceedings.

(d) It is hoped that the Government will take the policy decision expeditiously so that more than 800 cases of encroachment in the Township of Bilaspur are disposed of at the earliest.

3. Learned Counsel for the appellant submits that despite directions issued in the judgment, since the directions are not time-bound, no prompt action is taken by the authorities concerned. In that view of the submission, we dispose of the appeal, directing the respondents concerned to finalize the proceedings, as directed by the learned Single Judge, if not already finalized, within a period of four months from the date of production of the copy of this judgment by the appellant. The pending application(s), if any also stands disposed of.