
(2010) 03 SHI CK 0068
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 1996 of 2008

Satish Sharma

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 23-03-2010

Acts Referred:

Himachal Pradesh Land Revenue Act, 1954 — Section 163

Citation : (2010) 03 SHI CK 0068

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition has been filed with the following prayers:

a) That a Writ in the nature of Mandamus may very kindly be issued to the Respondent No. 1 to 3 to proceed in accordance with law without succumbing to the pressure of political bosses and evict the Respondent No. 4 herein from the unauthorized and illegally encroached government land physically without any further delay, in the interest of law and justice.

b) That a Writ of Mandamus may very kindly be issued, firstly, directing the Respondent No. 1 to look into the matter and further to enquire into the same and officers holding the post if are found to be guilty of executive in-action, action against them be taken as per Rules and a Status Report be submitted to this Hon'ble Court. Further direction are liable to be issued to the Respondent No. 2 to 3 to execute eviction orders passed in the year 1983 u/s 163 of HP Land Revenue Act against Respondent No. 4 and submit report to this Hon'ble Court. Further action as taken with respect to the allotment of Khasra No. 257 in favour of the Respondent No. 4 by Respondent No. 2 and 3 may very kindly be -2 summoned from the said Respondent and thereafter same may very kindly be quashed and set aside, in the interest of law and justice.

2. The Respondents No. 1 to 3 have taken a stand in the affidavit that they are taking steps to evict the occupants and encroachers. However, learned Counsel

for the 4th Respondent submits that there is a dispute between the Petitioner and the 4th Respondent and the same is now pending before the civil Court. It is further submitted that there is some boundary dispute also. Such disputes are to be settled in accordance with law before the appropriate Forum. Subject to the rights of the parties as above, there will be a direction to Respondents No. 1 to 3 to continue and complete the proceedings for eviction of the encroachers, within a period of three months from the date of receipt of the copy of judgment, unless otherwise interdicted by the civil Court or a competent Forum. We make it clear that we have not, in view of the above order adverted to any of the contentions taken by the parties and all the contentions are left open to be taken before the appropriate Forum including the civil Court.

3. With these observations, the writ petition is disposed of, so also the pending application(s), if any.