

(2016) 09 SHI CK 0003
In the High Court Of Himachal Pradesh
Case No : CWP No. 3572 of 2014

Satpal Saini

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 23-09-2016

Acts Referred:

Himachal Pradesh Tenancy and Land Reforms Act, 1972 — Section 118

Citation : (2016) sup HimLR 2774 : (2016) 4 RCRCivil 580

Hon'ble Judges : Rajiv Sharma and Sureshwar Thakur, JJ.

Bench : Division Bench

Advocate : Ajay Sharma, Advocate, for the Appellant; M.A. Khan, Additional Advocate General, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sharma, J.—In sequel to directions issued on 15.7.2016, respondent No.1 has filed his supplementary affidavit. According to the averments made in the affidavit, petitioner, who is husband of Ram Dulari (who was an agriculturist), qualifies to be an agriculturist himself keeping in view the Notification dated 20.5.2016.

2. There is perpetual litigation under Section 118 of the HP Tenancy and Land Reforms Act, 1972. A large population of non-agriculturist Himachalis has been deprived of their right to purchase property in the State without the permission of the State Government though they are residing in the State of Himachal Pradesh for decades together. There is a sense of alienation amongst the non-agriculturist Himachalis. They are integral part of the State of Himachal Pradesh and have a sense of belonging to the State.

3. Accordingly, impugned annexure P-9 dated 23.4.2014 is quashed and set aside. Respondents are directed to attest the mutation within a period of eight weeks from today by treating the petitioner to be an agriculturist.

4. However, before parting with the judgment, this Court deems it fit and proper

to direct the State Government to make suitable amendments to Section 118 of the HP Tenancy and Land Reforms Act, 1972 read with HP Tenancy and Land Reforms Rules, 1975 in order to facilitate to purchase any land (agricultural and non-agricultural) in the State of Himachal Pradesh by the non-agriculturist Himachalis residing in the State for decades together prior to the date of commencement of the HP Tenancy and Land Reforms Act, 1972, within a period of ninety days from today.

5. In view of the above, the present petition is disposed of. Pending applications, if any, are also disposed of.