

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No.5962 of 2014-G
Date of Decision: 21.08.2014

RasidPetitioner.

Versus

State of Himachal Pradesh & others ..Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

The Hon'ble Mr. Justice P.S. Rana, Judge.

Whether approved for reporting?¹ No.

For the Petitioner: Mr. G.D. Verma, Sr. Advocate with
Mr.B.C. Verma, Advocate.

For the Respondents: Mr. Shrawan Dogra, AG., with
Mr.Anup Rattan, Addl. AG., Mr.
Vikram Thakur and Mr. Puneet
Rajta, Dy. AGs., for the
respondents-State.

Sanjay Karol, J (oral)

We find that petitioner's statutory appeal, assailing order dated 31.12.2012 passed by Collector Sub Division, Nahan, stands rejected by the Divisional Commissioner, Shimla solely on the ground of appeal being time barred and not having been filed within limitation.

2. Having heard learned counsel for the parties, we are of the considered view that in the given facts, petitioner has sufficiently explained the delay in filing appeal. As such, delay ought to have been condoned. We order accordingly. Consequently, we remand the matter back to the Divisional Commissioner, Shimla

¹ Whether reporters of the local papers may be allowed to see the judgment?

Division with a direction to decide the appeal, after affording due opportunity of hearing to all concerned. Needless to add, all grounds raised by the petitioner in appeal or as may be raised subsequently, shall be considered by the Divisional Commissioner while deciding the appeal. Liberty granted to the petitioner to place other additional material before the Divisional Commissioner. We direct that during the pendency of appeal, petitioner shall not be dispossessed except in accordance with law.

With the aforesaid observations, present petition stands disposed of, so also pending application(s), if any.

Copy dasti.

(Sanjay Karol),
Judge.

August 21, 2014
(Purohit)

(P.S. Rana),
Judge.