



Court on its own motion Vs. State of Himachal Pradesh & Others.

Item No. (D-16)

CWPIL No.82 of 2024

26.11.2025

Present: Ms. Sneha Kaushal, Legal-Aid-Counsel, for the petitioner.

Mr. Gobind Korla, Additional Advocate General, for the respondents-State.

In pursuance of the order dated 18.09.2025, the affidavit of the Additional Chief Secretary (Revenue) to the Government of Himachal Pradesh has been filed.

2. The said affidavit would go on to show that apparently instructions dated 18.03.2010 (**Annexure C-I**) were issued by ACS-cum-F.C. (Revenue) to the Government of Himachal Pradesh to undertake a systematic verification process to ascertain the nature and actual usage of the land in question and whether the land is recorded and used for agricultural purposes and whether it is being cultivated personally by the applicants or their family members. The affidavit further would go on to show that conduct of spot inspections wherever necessary is to be done, either by the Patwari or the competent authority to confirm the ground realities. The findings of this verification are documented and forwarded through the appropriate administrative channels, forming the basis of the final decision as part of inquiry.

3. However, a perusal of the instructions dated 18.03.2010 (**Annexure C-I**) would go on to show that there is an apparent lacunae. The definition of "**Agriculturist**" means a landowner who cultivates land personally in an estate situated in Himachal Pradesh and "**to cultivate personally**" which is defined in sub-section (2) and (4) of Section 2 of the "The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (for short the 'Act'). The said Clauses reads as under:-

"In Section 2(2) the term "Agriculturist" has been defined as follows:-

(2) "agriculturist" means a landowner who cultivates land personally in an estate situated in Himachal Pradesh.

Further, "to cultivate personally", is defined in Section 2(4) as under:-

(4) "to cultivate personally" with its grammatical variations and cognate expression means-

(i) by one's own account;

(ii) by one's labour;

(iii) by the labour of any member of one's **family**; or

(iv) under the personal supervision of one-self or any member of one's family by hired or by servant on wages payable in cash."

4. The **Form A-I** attached as such which is a application/declaration of the applicant to obtain agriculturist certificate is to be submitted and the Competent Authority has to be satisfied about the correctness of the contents of application and verification made by the Patwari and then the Competent Authority has to issue the agriculturist certificate to the applicant as per **Form H**.

5. A perusal of **Form A-I** would go on to show that the only declaration has to be given that a person is agriculturist/belong to an agriculturist family, holding agricultural land in the aforesaid mohal and no clarification has been sought as to whether the land is being cultivated personally in terms of sub-section (4) of Section 2 of the 'Act' and therefore apparently it is easy to give a false declaration without coming in the ambit of the provisions. The verification which has to be done also by the Revenue Official namely-Patwari is only that the person is owner in possession of the land and that the applicant belongs to the agriculturist family without any factual verification at the spot regarding the personal cultivation of the land in question on the basis of which the certificate has to be sought.

6. We are also in receipt of the e-mails dated 09.09.2025 and 30.10.2025 respectively highlighting the issuance of the illegal certificates and also giving the example of Palace Colony, Mandi which has long back ceased to be agricultural land and one individual Poonam's case wife of Jeevan Lal has also been highlighted.

7. Resultantly, we are of the considered opinion that the instructions dated 18.03.2010 as such need to

be revamped with such modification to bring it in tune with the purpose of the 'Act' as it is always open to misuse by the persons who are not agriculturist or who don't have the cloak of agriculture and not agriculturist in any manner. Needful be done accordingly.

8. Copy of the affidavits alongwith the news-items be furnished to the Legal-Aid-Counsel and counsel for the respondents-State for further assistance.

9. Accordingly, the proceedings are deferred for **24.02.2026.**

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

26th November, 2025
(Munish Thakur)