

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No. 11762 of 2026****Decided on: 17.07.2026**The H.P. State Co-operative Bank Limited**Petitioner****Versus**The Mandi Urban Co-operative bank Limited ..**Respondent****Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioner: Mr. Y.P. Sood, Advocate.

For the Respondent: Nemo.

Jyotsna Rewal Dua, Judge

Petitioner feels aggrieved against the order dated 08.12.2023 passed by the Collector, Sub-Division, Sadar, District Mandi, H.P., dismissing its petition under Sections 4 & 5 read with Sections 7 & 8 of the H.P. Public Premises and Land (Eviction & Rent Recovery) Act, 1971 (in short, the Act), which has been affirmed by the Divisional Commissioner (Appeals) on 16.12.2025.

2. Heard learned counsel for the petitioner and considered the case file.

The premises in question were previously owned by the Mandi District Co-operative M&C, Federation Limited, Mandi. The respondent was tenant inducted by the aforesaid previous owner of premises. The assets and liabilities of the previous owner were

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

acquired by the petitioner- Bank to the extent of 96.25% or in other words, petitioner is owner of land comprised in Khasra No.177, measuring 491.64 Sq. meters situated in Mohal Suhra, Tehsil Mandi, District Mandi, H.P. as reflected in the jamabandi for the year 2020-21. Significantly, the respondent is also recorded as co-owner to the extent of 125/16388 share i.e. 3.75 sq. meters.

3. The petition under Section 4 of the Act was instituted by the present petitioner on the ground that petitioner- bank required the premises for its own use; That respondent has been paying rent to the petitioner after the ownership of the premises to the extent of 96.25% was acquired by the petitioner. This submission has been canvassed by the learned counsel for the petitioner in the instant petition as well that respondent has acknowledged the petitioner as landlord of the premises, therefore, respondent being tenant of the petitioner is required to vacate the premises.

4. The Collector, Sub-Division, Sadar, District Mandi dismissed the eviction petition preferred by the petitioner on 08.12.2023 holding that the petition cannot proceed under the Act as both parties are co-sharers. The aforesaid order has also been affirmed by the Divisional Commissioner, Mandi Division, Mandi, H.P. by dismissing

the revision petition preferred by the petitioner on 16.12.2025. I see no justifiable reason to interfere with the impugned orders. Admittedly, the respondent is co-owner in the premises to the extent of 3.75 Sq. meters out of the total land. There is no partition between the parties of the subject premises. Once out of total 16388 shares, the respondent is admittedly owner of 125 shares, making the property in joint ownership and possession of both the parties, learned Authorities below did not err in law in declining to grant the eviction order against the respondent a co-sharer of the property. Even if, the respondent had been paying rent to the petitioner, that rent would be for 96.25% ownership of the petitioner over the subject land. Being co-sharers, possession of the parties over the subject land has to be construed as joint. Status of respondent over the subject land is in dual capacity- tenant qua the ownership of the petitioner & ownership to the extent of its own share. The Divisional Commissioner has correctly held that property being joint, there being no partition neither of the parties can be held to be in ownership and possession of specific part. It is for the petitioner to seek appropriate remedy in accordance with law.

In the given facts and circumstances, no interference with impugned orders is called for. The petition fails and is dismissed. Pending miscellaneous application(s), if any, to also stand disposed of.

July 17, 2026
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Jyotsna Rewal Dua
Judge