

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.
LPA No.907 of 2025
Decided on: 31.12.2025

Pawan Kumar Appellant

Versus

State of H.P. and others ...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?¹

For the appellant: Mr. Neel Kamal Sharma,
Advocate.

For the respondents: Mr. Pranay Pratap Singh,
Additional Advocate General for
respondents No.1 and 2-State.

Mr. Rajesh Kashyap, Advocate,
for respondent No.3.

G.S. Sandhawalia, Chief Justice (Oral)

The challenge in the present appeal is to the order of the learned Single Judge passed in **CWP No.19606 of 2025** titled ***Pawan Kumar vs. State of H.P. and others*** decided on **16.12.2025**, upholding the order dated 08.12.2025 (Annexure P-6) issued by respondent No.3, whereby the permission granted to install stalls in Jawahar Park Ground in Sunder Nagar, H.P., to hold a trade fair from 10.12.2025 to 10.01.2026 was cancelled in view of the Resolution No.73/2025 of the Municipal Council, Sunder Nagar, H.P.

¹*Whether the reporters of Local Papers may be allowed to see the judgment?*

2. Learned Single Judge noticed that a show cause notice had been duly issued on account of the fact that there was resentment amongst the public who had objected to the grant of permission as their daily activities were being affected and the open area was to be utilized by the present appellant for a considerably long period only because the appellant had applied. It was also noticed that favour was shown to one individual for personal monetary benefits of allotment in the public park. However, the learned Single Judge as such left open the issue of compensation to claim damages against the Municipal Council, Sunder Nagar, H.P., while upholding the cancellation and not finding any infirmity therein.

3. When the matter came up on 29.12.2025, we passed the following order:-

“Apparently from the record, it is evident that the Municipal Council, Sundernagar, District Mandi, HP has passed a Resolution No.73 of 2025 dated 06.12.2025 to cancel the permission obtained by the appellant for trade fair in Jawahar Lal Park.

Mr. Rajesh Kashyap, Advocate, prays for and is granted time to produce the resolution, if any, of the said Municipal Council passed in favour of the writ petitioner/appellant. Since apparently, the permission has been granted on 06.11.2025 (Annexure P-1) by the Senior Executive Officer, Municipal Council Sunder Nagar, District Mandi, HP, but there is no whisper regarding any such resolution.

*Accordingly, let the record be also produced.
List on 31.12.2025.”*

4. Today, the record has been produced and the necessary resolution has also been placed before us. Perusal of the same would go on to show that apparently, the Municipal Council, Sunder Nagar, H.P. has recorded that the permission was granted by the Senior Executive Officer-respondent No.3 at his own level on 06.11.2025 without taking the Municipal Council, Sunder Nagar, H.P. into confidence. Consequently, the necessary resolution was passed which led to the issuance of the show cause notice being issued dated 06.12.2025, which was duly replied to on 08.12.2025 and thereafter the order came to be passed.

5. Keeping in view the fact that in the resolution of Municipal Council, Sunder Nagar, H.P., it has been noticed the fact of the order granting permission was without authority, without keeping the Municipal Council in confidence and for additional reasons over and above what the learned Single Judge has recorded, we are of the considered opinion that the lack of valid approval as such by the competent authority is another ground to uphold the order.

6. It is also not disputed that on a simple application dated 28.08.2025, permission had been granted on payment of Rs.11,000/- per day for 31 days without asking for or issuing a public notice for utilization of the land also and therefore the

learned Single Judge has rightly recorded that the permission was only for the benefit of the private individual.

7. It is settled principle that public land, if it is to be utilized, even with the permission of the competent authority, necessary procedure would have to be followed so that one and all can compete and the maximum amount of revenue can be generated.

8. In such circumstances, we are of the considered opinion that the order passed by the learned Single Judge does not suffer from any infirmity which would warrant any interference. Resultantly, the appeal is dismissed. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

31th December, 2025
(ankit)

(Jiya Lal Bhardwaj)
Judge