

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWP No. 337 of 2015
Decided on: 10.09.2026.

Manju Thakur.

....Petitioner

Versus

State of Himachal Pradesh and Anr.

....Respondents

Coram :

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting?*

For the petitioner: Mr. Aditya Chauhan, Advocate.

For the respondents: Mr. Varun Chandel, Additional
Advocate General for respondents
No. 1 and 2.

Ranjan Sharma, Judge :

Petitioner, Manju Thakur, has come up before this

Court seeking the following relief(s) :

- (i) “That it is prayed that a writ of mandamus may kindly be issued and the respondents may kindly be directed to grant the permission to the permission to start the crusher and the impugned order dated 26.11.2014 [Annexure P-5] may kindly be set aside and quashed.
- (ii) That the respondent may kindly be directed to pass the final order for the grant of permission on the application of the petitioner keeping in view the

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

site appraisal committee report dated 27 March, 2010 and further the State Geologist report dated 18th February, 2012.”

2. In response to the above prayer and upon issuance of notice by this Court on 07.01.2015, State Authorities have filed the Reply-Affidavit dated 10.07.2015 of State Geologist, Himachal Pradesh.

2(i) Perusal of Reply-Affidavit indicates that petitioner applied for installation of stone crusher unit in Khasra No. 499/441/3, measuring 0-12-92 hectares and on recommendation of Site Appraisal Committee, Respondent No. 2 issued the Provisional Registration in favour of the petitioner for installation of stone crusher unit on 21.10.2010. It is averred that multiple writ petitions were filed against the establishment of stone crusher unit *for the reason* that Provisional Registration given to the petitioner, for running stone crusher was resulting in closure of Government Primary School, Churu Ra Balh. Reply states that the petitioner applied for fresh application for installation of stone crusher and after inspection of proposed site, the Site Appraisal Committee observed that the proposed site for installation of stone crusher does not fulfill the

siting parameters as framed vide notification dated 10.09.2004, with respect to distance from Educational Institution [Government Senior Secondary School, Longani] and village link road.

2(ii). Reply-Affidavit indicates that petitioner, Manju Thakur, filed another CWP No. 5912 of 2014 and vide order dated 06.09.2014, this writ petition was disposed of; with directions to Respondent No. 2 to examine and consider the representation and make a decision as per rules occupying the field within a stipulated period. Reply-Affidavit indicates that pursuant to the directions dated 06.09.2014 passed in CWP No. 5912 of 2014, re-inspection of proposed crusher site was undertaken but as per Department of Science and Technology, Notification dated 29.05.2014, siting parameters for installation of stone crusher units have been revised and proposed site of the petitioner needs to be re-inspected by the Site Appraisal Committee in accordance with the rules occupying the field. Reply-Affidavit indicates that re-inspection of the proposed site and the report of Joint Inspection Committee is awaited.

3. Considering the above facts, this Court is of the considered view that once during pendency of present

writ petition [CWP No. 337 of 2015], subsequent writ petition, [CWP No. 5912 of 2014] was filed and same was disposed of on 06.09.2014, with certain directions to Respondents and based on aforesaid directions, in case, the State Authorities have passed an order or have failed to act as per the directions passed by this Court on 06.09.2014, therefore, in such an eventuality, the available remedy ought to have been availed in accordance with law, in appropriate proceedings. Subsequent orders or actions of the State Authorities inactions(s), if any, originating from orders dated 06.09.2014 [in CWP No. 5912 of 2014] cannot be permitted to be invoked or agitated in present petition, so as to change the nature of the claim and the relief altogether in present lis [CWP No. 337 of 2015] and that too without there being any application for seeking such relief, as on day.

4. Matter was listed in the pre-lunch session and also in post-lunch session, when it was adjourned so as to enable Learned Counsel for the petitioner to have Instructions from the petitioner as to whether petitioner intends to continue with the present proceedings or not in view of the above discussion.

5. After two pass-overs, and at the close of the day, Learned Counsel for the petitioner, on Instructions from the petitioner, states that the petitioner does not intend to continue with the present proceedings. *[Statement taken on record]*.

6. Prayer being innocuous is not opposed by Learned State Counsel.

7. Needless to say, that once a subsequent petition stands adjudicated, then any action taken or required to be taken or not taken, if any, shall give afresh cause to the petitioner for seeking redressal qua compliance or non-compliance, for which no liberty is required, in peculiar fact-situation of instant case.

8. Consequently, in view of above discussion, petition is closed.

In aforesaid terms, the writ petition and all pending miscellaneous applications, if any, shall stand disposed of, accordingly.

(Ranjan Sharma)
Judge

September, 10, 2026
(Anita/tm)