

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP Nos.2284, 15376 and 15394 of 2024

Date of Decision: 31.8.2026

1.CWP No.2284 of 2024

Gopal Dev @ Jai Gopal and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

.....Respondents

2.CWP No.15376 of 2024

Bholla Dutt and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

.....Respondents

3.CWP No.15394 of 2024

Jagdish Chand and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

.....Respondents

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Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Daleep Singh Kaith, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, J. (Oral)

Being aggrieved and dissatisfied with order dated 09.12.2022 passed by the Principal Secretary (PW) to the Government of Himachal Pradesh, whereby representation filed by the petitioners in terms of

judgment dated 10.11.2021 passed in CWP No. 883 of 2021, came to be rejected on the ground of delay, petitioners have approached this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein to set aside aforesaid order and direct the respondent to decide the representation of the petitioners in light of judgment dated 07.09.2020 passed by this Court in CWP No. 1510 of 2017, titled *Jawahar Lal v. State of Himachal Pradesh and others*, wherein issue with regard to limitation has already been dealt with.

2. Pursuant to notice issued in the instant proceedings, respondent-State has filed reply, perusal whereof clearly reveals that order laid challenge in the instant proceedings has not been passed in light of mandate given in judgment dated 07.09.2020 passed by this Court in CWP No. 1510 of 2017, rather, respondent, having taken note of operative part of the judgment dated 10.11.2021, whereby direction came to be issued to consider and decide the prayer of the petitioners for acquisition of their land allegedly used by the respondents, for construction of Rampur to Lalsa road (Bedighat-Chadaini Nallah to Lalsa Bus Stand) proceeded to decide the same on its own merits, without bothering to look into the mandate given by this Court in *Jawahar Lal* (supra), especially qua delay and laches.

3. True, it is that vide direction contained in judgment dated 10.11.2021, representation, if any, filed by the petitioner was to be decided, but in light of judgment passed by this Court in *Jawahar Lal v. State of Himachal Pradesh* (supra). However, careful perusal of order laid challenge in the instant proceedings clearly reveals that there is no discussion, if any, with regard to judgment passed by this Court in *Jawahar Lal* (supra), wherein this Court, having taken note of various judgments passed by the Hon'ble Apex Court, has categorically held that respondent-State cannot be permitted to raise the plea of delay and laches in the cases of land used for construction of road, especially when factum with regard to use of land for construction of road is not denied.

4. Consequently, in view of above, this Court finds merit in the present petitions and accordingly same are allowed and impugned orders dated 09.12.2022 and 1.5.2023 are quashed and set aside, with direction to the Secretary (Public Works Department) to the Government of Himachal Pradesh to decide the representation of the petitioners afresh, in light of mandate contained in judgment dated 07.09.2020 passed by this Court in *Jawahar Lal* (supra), which has attained finality, expeditiously, preferably within four weeks. Needless to say, authority concerned, while doing the needful, shall afford an opportunity of being heard to the petitioner and

pass appropriate order. In the aforesaid terms, present petitions are disposed of along with pending applications, if any.

August 31, 2026
(manjit)

**(Sandeep Sharma),
Judge**