

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.8 of 2025
Reserved on : 07.09.2026
Decided on : 11.09.2026
Uploaded on: 11.09.2026

Jan Kalyan Sangharsh Samiti.

...Appellant

Versus

State of HP

...Respondent.

Coram

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

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellant : Mr. Hirdaya Ram, Advocate.

For the respondent : Mr. Pranay Pratap Singh, Additional
Advocate General, for the
respondent/State.

Mr. Lal Singh Mehta, Advocate, for
the applicants/proposed respondents
in CMP Nos.15388 and 15389 of 2025

Bipin Chander Negi, Judge

By way of the present appeal, challenge has been
laid to the judgment dated 18.09.2023 passed in CWP
No.5298 of 2021, titled Jan Kalyan Sangharsh Samiti Vs. State
of HP, whereby the writ petition preferred by the present
appellant/writ petitioner laying challenge to notification dated

¹Whether the reporters of the local papers may be allowed to see the Judgment? *Yes*

24.08.2021 (Annexure P-3, page 41 of the writ record) has been dismissed.

2. By way of the writ petition, a challenge had been laid to notification dated 24.08.2021 (Annexure P-3, page 41 of the writ record), whereby a new Sub-Tehsil, Bagshad, Tehsil Karsog, District Mandi had been created by including Patwar Circles Tattapani, Shakra, Talaihan, Sawindhar and Parlog. Further in the writ petition, a mandamus was being sought against the respondents *qua* creation of a Sub-Tehsil at Tattapani, with a direction to include the aforesaid five Patwar Circles in Sub-Tehsil Tattapani now sought to be got created. In the petition, specifically in para-7, an apprehension *qua* closure of the camp office at Tattapani of the new Sub-Tehsil at Bagshad in the near future has been expressed by the writ petitioner/appellant.

3. In the response filed, it has been categorically asserted that the creation of the Sub-Tehsil at Bagshad was on the basis of a long-standing public demand, as was evident from Annexure R-1, i.e., copies of resolutions passed by Panchayats made way back in the year 1999. Besides the aforesaid in the reply, it had been categorically mentioned that the new Sub-Tehsil at Bagshad would have a camp office at

Tattapani for a week in a month, which would be under the administrative control of Tehsil Karsog.

4. Other than the aforesaid, it has been asserted in the reply that the entire area of Kanungo Circle Bagshad and Churag (*Rinsi*) have been included in the newly created Sub-Tehsil Bagshad, and the Patwar Circles Tattapani, Shakra, Talaihan, Sawindhar and Parlog fall under the jurisdiction of Kanungo Circle Bagshad. Based on the aforesaid, it had been contended in the reply that if these Patwar Circles are excluded from Sub-Tehsil Bagshad, then there would be a need to create a new Kanungo Circle at Tattapani, which is not justified as per geographical conditions, departmental norms, and huge additional financial liability would be involved in the whole process.

5. The apprehension *qua* closure of the camp office at Tattapani of the new Sub-Tehsil at Bagshad in the near future expressed by the writ petitioner/appellant specifically in para-7 of the petition has categorically been controverted by positively asserting in response thereto that such an apprehension of a closure of the camp office at Tattapani of the new Sub-Tehsil at Bagshad in the near future is wrong and purely based on presumption.

7. After considering the rival contentions of the parties, the learned Single Judge held that opening of a Sub-Tehsil is a matter of policy based on considering various factors. Scope of interference in judicial review in policy matters is limited. On merits on assessing material on record i.e. resolutions of various Gram Panchayats, learned Single Judge concluded that majority of the Gram Panchayats supported the opening of the Sub-Tehsil at Bagshad. The appellant/writ petitioner (Samiti) was found to be not a registered Society. Other than the aforesaid, the learned Single Judge observed that the people of area adjoining Tattapani would not suffer by opening of the Sub-Tehsil at Bagshad. In the aforesaid factual and legal matrix, learned Single Judge dismissed the writ petition by holding that no ground for interference in the case at hand had been made out.

8. Heard counsel for the parties and perused the writ record.

9. In ***J.R. Raghupathy and Ors. Vs. State of AP and Ors., a/w connected matters (1988) 4 SCC 366***, wherein the location of Mandal Headquarter was being shifted and the issue was whether it would be in amenable to the

jurisdiction of the High Court the apex court held that the High Court had no jurisdiction as the decision to locate such Headquarters at a particular village is dependent upon various factors and the High Court obviously could not evaluate for itself the comparative merits of a particular place as against the other for location of the Mandal Headquarters. The apex court further observed that even assuming that in determining of location of the Mandal Headquarters any breach of the guidelines was justiciable, the utmost that the High Court could have done was to quash the impugned notification in a particular case and direct the Government to reconsider the question. There was no warrant for the High Court to have gone further and directed the shifting of the Mandal Headquarters at a particular place. The relevant extract whereof reads as under:-

"9. It will serve no useful purpose to delineate the facts in all the cases which follow more or less on the same lines. We are of the opinion that the High Court had no jurisdiction to sit in appeal over the decision of the State Government to locate the Mandal Headquarters at a particular place. The decision to locate such Headquarters at a particular village is dependent upon various factors. The High Court obviously could not evaluate for itself the comparative merits of a

particular place as against the other for location of the Mandal Headquarters. In some of the cases the High Court declined to interfere saying that the Government was the best judge of the situation in the matter of location of Mandal Headquarters. However, in a few cases the High Court while quashing the impugned notifications for location of Mandal Headquarters issued under sub-s. (5) of s. 3 of the Act on the ground that there was a breach of the guidelines, directed the Government to reconsider the question after hearing the parties.

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17. We find it rather difficult to sustain the interference by the High Court in some of the cases with location of Mandal Headquarters and quashing of the impugned notification on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience or that the Headquarters should be fixed at a particular place with a view to develop the areas surrounded by it or that merely because a particular person who was an influential Member of Legislative Assembly belonging to the party in opposition had the right of representation but failed to avail of it. The location of Headquarters by the Government by the issue of the final notification under sub-s. (5) of s. 3 of the Act was on a consideration by the Cabinet Sub Committee of the proposals

submitted by the Collectors concerned and the objections and suggestions received from the local authorities like Gram Panchayat and the general public, keeping in view the relevant factors. Even assuming that any breach of the guidelines was justiciable, the utmost that the High Court could have done was to quash the impugned notification in a particular case and direct the Government to reconsider the question. There was no warrant for the High Court to have gone further and directed the shifting of the Mandal Headquarters at a particular place."

10. A Coordinate Bench of this Court in ***Amar Singh and others vs. State of H.P. and another, 1998 (2) Shim. L.C. 508***, while considering the issue of shifting of a circle office, on appreciation of the law, held that the policy decision of the Government to shift the circle office was not amenable to its writ jurisdiction. Besides the aforesaid, in *Amar Singh* (supra), the Court held that there is always a presumption that the Governmental action is reasonable and in public interest and it is for the party challenging its validity to show that it is wanting in reasonableness or is not informed with public interest.

This burden is a heavy one and it has to be discharged to the satisfaction of the Court by

proper and adequate material. The Court cannot lightly assume that the action taken by the Government is unreasonable or without public interest because, as we said above, there are a large number of policy considerations which must necessarily weigh with the Government in taking action and therefore the Court would not strike down Governmental action as invalid on this ground, unless it is clearly satisfied that the action is unreasonable or not in public interest. But where it is so satisfied, it would be the plainest duty of the Court under the Constitution to invalidate the Governmental action. This is one of the most important functions of the Court and also one of the most essential for preservation of the rule of law.

11. Differences of opinion, however strong, cannot be confused with unreasonableness on the part of one side or the other. Administrative discretion involves a right to choose between more than one possible course of action upon which there is room for reasonable people to hold differing opinions as to which is to be preferred. [See **G.B. Mahajan v. Jalgaon Municipal Council, (1991) 3 SCC 91**]

12. Other than the aforesaid, a Co-ordinate Bench of this Court in **Nand Lal & another vs. State of H.P. and others, 2014 (2) Him L.R. (DB) 982** in similar circumstances, regarding the shifting of a Government College

at a particular place at 19 Kilometers, had dismissed the Public Interest Litigation by keeping in view the law laid down by the Hon'ble Apex Court, in ***Manohar Lal Sharma vs. Union of India and another (2013)6 SCC 616; Mrs. Asha Sharma vs. Chandigarh Administration and others, 2011 AIR SCW 5636 and Adikanda Biswal And Ors. vs Bhubaneswar Development Authority, 2012 (11) SCC 731*** (See also judgement dated 09.07.2026 in CWPIIL No.75 of 2026, titled Arsh Bhardwaj Vs. State of HP and Anr. which pertained to shifting of the office of the Engineer-in-Chief(Project) from Mandi to Fatehpur, judgement dated 07.05.2026 in LPA No.678 of 2025, titled Kalasu Vs. State of HP and Ors., which pertained to the construction of Health Sub Centre at one of the two sites and judgement dated 20.04.2026 in CWPIIL No.52 of 2025, titled Dewa Nand Vs. State of HP and Ors, which pertained to the shifting of the office of the Principal Chief Conservator of Forest (Wild Life) from Shimla to Kangra. The aforesaid three judgment were dismissed by this bench dismissing similar petitions as being not maintainable).

13. In the aforesaid settled position of law the writ Court has no jurisdiction to entertain the petition preferred by

the appellant as creation of a new sub-tehsil is dependent upon various factors and the writ Court cannot evaluate for itself the comparative merits of a particular sub-tehsil as against the other. Besides being a policy decision of the Government the same is ordinarily not amenable to its writ jurisdiction. The scope for interference in policy decision is limited. No ground for interference has been made out. Other than the aforesaid no infraction of any justiciable guideline in creation of a sub-tehsil has been pointed out by the appellant calling for any interference by this court whereby reconsideration by the respondents could be asked for/directed by this court.

14. For the reasons stated here-in-above, no infirmity can be found with the view taken by the learned Single Judge. Accordingly, the present Letters Patent Appeal is dismissed. Pending miscellaneous application(s), if any, also stand disposed.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

11th September, 2026
(Gaurav Rawat)