

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No.2885 of 2024****Date of Decision: 16.09.2026**

Pano Devi & others

.....Petitioners

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.Whether approved for reporting? ¹

For the Petitioners: Mr. Karan Kapoor, Advocate.**For the Respondents:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State.

Mr. Hamender Singh Chandel, Advocate, for respondent No.3.

Sandeep Sharma, Judge(oral):

Precisely, the grouse of the petitioners, as has been highlighted in the petition and further canvassed by Mr. Karan Kapoor, learned counsel for the petitioners, is that petitioners herein are entitled to compensation in terms of provisions contained in Section 14(2) of the Himachal Pradesh Aerial Ropeways Act, 1968 (**for short ' Act'**) on account of suspension of ropes over their land used by respondent No.3 for construction of aerial ropeway for transporting the construction material. Mr. Karan Kapoor, learned counsel for the

¹Whether the reporters of the local papers may be allowed to see the judgment?

petitioner states that since it is apparent from the reply filed by respondent No. 2 that ropes of aerial ropeway are suspended over the land of the petitioners, petitioner are entitled to compensation in terms of Section 14(2) of the Act.

2. Mr. Hamender Singh Chandel, learned counsel representing respondent No.3, states that present petition is not maintainable for the reason that petitioner has concealed the material facts from the Court. He states that no part of land, if any, of the petitioners has been used for construction of aerial ropeway. He further states that height suspended wires which are admittedly passing over the land of the petitioners is more than 100 to 150 meter for which no compensation is payable. Lastly, Mr. Chandel states that otherwise also appropriate remedy, if any, for petitioners is to approach Deputy Commissioner of the District concerned under Aerial Ropeways Act for grant of compensation, which certainly in the instant petition can't be determined.

3. Mr. Vishal Panwar, learned Additional Advocate General, while referring to reply filed by respondent No. 2, Deputy Commissioner, Chamba, also states that present petition is not maintainable because no part of the land of the petitioners has been used for construction of aerial ropeway. He further states that as per joint inspection report, no part of the land of the petitioners ever came

to be used for construction of aerial ropeway and as such, prayer made on behalf of petitioners for granting compensation in the instant petition deserves outright dismissal.

4. Having heard learned counsel for the parties and perused material available on record, this Court finds that there is no dispute inter se parties qua the fact that land owned/possessed by petitioners has been not used for construction of aerial ropeway by respondent No. 3, rather compensation, if any, is being claimed by petitioners for the ropeway corridor, which passes over the land of the petitioners.

5. Having carefully perused various provisions contained under Aerial Ropeways Act, especially Section 14, this Court finds that appropriate remedy, if any, available to petitioners is to approach Deputy Commissioner, who after having afforded opportunity of being heard and ascertained factum, if any, of use of land may on the application of petitioners can proceed to award adequate compensation.

6. Consequently in view of above, this Court does not find present petition to be maintainable and accordingly, same is disposed of with liberty to the petitioners to approach Deputy Commissioner, Chamba under relevant provision of Aerial Ropeway Act for redressal of their grievance. Needless to say, Deputy Commissioner, Chamba, while adjudicating the petition, if any, filed by

the petitioners under aforesaid provision of law shall not be influenced by the reply filed by him in the instant proceedings, rather would determine the claim of the petitioners, if any strictly, in terms of provision contained under Aerial Ropeway Act.

7. Needless to say, Deputy Commissioner, while doing the needful, besides affording opportunity to the petitioners, shall also issue notice to other stakeholders and he shall also decide the same expeditiously preferably within a period of two months. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

September 16,2026
(shankar)