

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.31 of 2022

Date of Decision:- 02.07.2026

Court on its own motion

....Petitioner

Versus

State of Himachal Pradesh & others

....Respondents

Coram

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

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

Whether approved for reporting?¹

For the Petitioner : Mr. Nimish Gupta, Advocate, as
Amicus Curiae.

For the Respondents : Mr. Arsh Rattan, Deputy Advocate
General, for respondents No.1 to
5-State.

: Mr. Adarsh Kumar Vashista,
Advocate, for respondent No.6-
MC, Chamba.

G.S. Sandhawalia, Chief Justice (Oral).

The present Public Interest Litigation (PIL) was initiated primarily on the basis of the letter dated 06.03.2022, addressed by one-Vijay Sharma, Artist (Padam Sri Awardee) resident of Mohalla Ramgarh, Near Dashnami Akhada Chamba, Himachal Pradesh regarding the growth of the Chamba Town

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

and the Chaugan in the Town, which was a green belt created in this hilly town by the erstwhile rulers of Chamba.

2. The grouse of the petitioner was that the Municipal Council of Chamba had started construction of shops on the escarpment of Chaugan No. 1, endangering the area's greenery, scenery, and sanctity. Resultantly, photographs along with the representation were placed, leading this Court to take cognizance.

3. It is to be noticed that on 11.05.2023, this Court had noticed that although the development plan for the Chamba Planning Area was approved by the Town and Country Planning Department vide its Notification dated 09.10.2007, yet rampant construction was still going on in contravention to the said development plan. Reference has been made to Chapter 17.5.3 of the Development Plan, wherein it has been provided that no construction would be allowed along any of the four sides of all five parts of the Chaugan, including the escarpment of Chaugan No. 1. The notice was also taken that the escarpment of Chaugan No.1 starts from the residence of S.P. Chamba and ends at the historical Delhi Gate. Resultantly, Mr. Nimish Gupta, Advocate was appointed as Amicus Curiae and it was directed that any construction raised in violation of the Development Plan

shall be demolished after issuing a notice and completing an inquiry within one month of issuance of such notice. It was further clarified that no Civil, Revenue, or any other Court or authority shall entertain any plea touching upon the implementation of the said order.

4. An application bearing CMP No. 13696 of 2024 was filed on behalf of MC-Chamba seeking permission to carry out protection wall work to strengthen the slopes of Chaugan No. 1 and the parking's retaining wall to protect the area from landslides during the rainy season. This application was allowed on 14.08.2024. Consequently, the earlier order dated 11.05.2023, was modified to the limited extent of allowing the erection of a protection wall to strengthen the slopes of Chaugan No. 1 and the parking area.

5. In the order dated 24.02.2025, it was noticed that the necessary tender had been floated to protect the Chaugan and the work was to be completed within the next six months and the construction of retaining/breast wall of parking near S.P. residence to protect and preserve the Chaugan was being taken up with the H.P. Public Works Department, as per the status report filed.

6. The status report now filed dated 14.10.2025 would go on to show that the retaining wall was completed in accordance with the approved specifications and standards prescribed by the HPPWD and the report was issued by the Executive Engineer, HPPWD, Chamba (**Annexure R/6-1**).

7. In such circumstances, we are of the considered opinion that the purpose of the Public Interest Litigation (PIL) has come to an end.

8. Counsel for respondent No.6-MC, Chamba has submitted that they will ensure that no construction is carried out contrary to the Development Plan, and that the plan will be strictly adhered to.

9. Accordingly, we dispose of and close the present Public Interest Litigation (PIL). It is made clear that an application can always be filed separately in this Public Interest Litigation (PIL) for temporary use of the Chaugan for the annual Minjar Fair.

10. All other pending miscellaneous applications have been rendered infructuous and are disposed of accordingly.

CMP No.13366 of 2026

11. The present application under Section 151 CPC has been filed for grant of permission to hold Minjar Fair w.e.f.

26.07.2026 to 09.08.2026 for 15 days. Reference has been made to the earlier orders passed in the present case across various CMPs. The copies of these orders are annexed to the said application.

12. Keeping in view the above, the present application is allowed, and the applicants/respondents are permitted to hold Minjar Fair w.e.f. 26.07.2026 to 09.08.2026 for 15 days, subject to the following conditions:-

(i) That the respondents shall ensure that no plastic bags or other non-biodegradable substances are permitted to be used in the stalls by any person/authority.

(ii) The respondents shall also ensure the cleanliness and hygiene during this event.

(iii) It shall also be the personal responsibility of the Deputy Commissioner, Chamba as also the Executive Officer, Municipal Council, Chamba to ensure strict compliance of this order.

13. In addition to the above, the Mela Committee which will organize the fair, shall deposit a sum of Rs.50,000/- for the usage of the said ground with respondent No.6-Municipal Council, District Chamba, so that the amount can be utilized for the maintenance of the Chamba-Chaugan after vacation by the users. The Executive Officer shall personally ensure that the amount is only used for this purpose and not diverted for any other purposes.

14. The present application stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

2nd July, 2026

(Munish Thakur)