

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA Nos. 30, 31, 32, 70 of 2020
and LPA No. 7 of 2021****Date of decision: 22.08.2026****LPA Nos. 30 & 32 of 2020**

Sudama Ram		...Appellant(s)
	Versus	
State of H.P. & Ors.		...Respondents

LPA No. 31 of 2020

Sudama Ram		...Appellant
	Versus	
Municipal Corporation, Shimla & Ors.		...Respondents

LPA No. 72 of 2020

Ravinder Prakash Verma		...Appellant
	Versus	
State of H. P. & Ors.		...Respondents

LPA No. 7 of 2021

Surekha		...Appellant
	Versus	
Municipal Corporation, Shimla & Ors.		...Respondents

*Coram****The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.******The Hon'ble Mr. Justice Bipin C. Negi, Judge.****Whether approved for reporting?*

For the Appellants: Mr. Mohan Singh, Advocate, for the
appellant(s) in LPA Nos. 30, 31 and 32

of 2020 and for respondent No. 5 in LPA No. 72 of 2020 and for respondent No. 4 in LPA No. 7 of 2021.

Mr. Vivek Sharma, Advocate, for respondent-Municipal Corporation.

Mr. Rakesh Dhaulta, Additional Advocate General, for respondents-State.

Mr. Mahender Verma, Advocate, for respondents in LPA Nos. 30, 31, 32 and for the appellant(s) in LPA Nos. 72 of 2020 and 7 of 2021.

Mr. Rajesh Kumar, Advocate, for respondent No. 5 in LPA No. 30 of 2020

G. S. Sandhawalia, Chief Justice (Oral)

The present Letters Patent Appeals arise out of the order(s) passed in the learned Single Judge in ***CWP No. 54 of 2019***, titled as ***Ravinder Parkash Verma vs. State of H.P. & Ors.***, ***CWP No. 654 of 2020***, titled as ***Surekha vs. The Municipal Corporation, Shimla***, and ***CWP No. 287 of 2001***, titled as ***Sudama Sharma vs. State of H.P. & Ors.*** all decided on 27.04.2020, whereby certain directions had been issued by the learned Single Judge. Three LPA Nos. 30, 31 and 32 of 2020 have been filed by Sudama Ram Sharma, one by Ravinder Prakash bearing LPA No. 72 of 2020 and one by Ms. Surekha bearing LPA No. 7 of 2021, who were

aggrieved by the said directions whereby Sudama Ram Sharma was given certain benefits and the Centre Government and the State Government had been directed to take a lenient view, permitting him to use the land keeping in view the fact that there was no approach road to his land.

2. It is to be noticed that the said judgment also noted that ***RSA No. 452 of 2007***, titled as ***Surekha & Anr. vs. Sudama Ram & Ors.*** and ***RSA No. 459 of 2007***, titled as ***Sudama Ram vs. Surekha & Ors.*** alongwith ***FAO No. 315 of 2002***, titled as ***Sudama Ram vs. Surekha & Anr.***, had been heard together and decided simultaneously, though a separate detailed judgment had been passed in each case.

3. On 30.05.2025, we had noticed that a Review Petition had been filed against the orders passed in the aforesaid two RSAs, which was pending before the learned Single Judge.

4. It is not disputed that ***Review Petition No. 37 of 2020***, titled as ***Sudama Ram vs. Surekha & Ors.*** and ***Review Petition No. 101 of 2021***, titled as ***Surekha & Anr. vs. Sudama Ram & Ors.***, have been allowed by one of us (Hon'ble Mr. Justice B. C. Negi, J.), on 25.07.2025, and the order dated 27.04.2020 had been recalled on the ground that

the substantial question of law as such had not been decided, on which the appeals had been admitted.

5. In such circumstances, apparently the basis as such of the main judgments in the RSAs having been reviewed and no longer existing, would make it not possible as such to treat these appeals being maintainable, as the reasonings followed in the decision passed in ***RSA Nos. 452 and 459 of 2007***, are primarily the same, as that in the judgment under appeal, wherein also similar benefits to Sudama Ram Sharma was granted. Therefore, both the parties are aggrieved by the said findings as well as the other co-appellants.

6. In such circumstances, we are of the considered opinion that the present appeals necessarily have to be allowed in view of the subsequent developments and the matter will have to be remanded to the learned Single Judge for fresh consideration. It is also pertinent to notice that ***FAO No. 315 of 2002***, titled as ***Sudama Ram vs. Surekha & Anr.***, was disposed of as having become infructuous vide order of the even date passed separately. Therefore, if so required, it would be open to the parties to file an appropriate application for revival of the same, if they deem fit, which was regarding the issue as such of the failure to produce witnesses

in an application filed under Order 39 Rule 2-A of the Code of Civil Procedure.

7. Resultantly, the appeals are allowed and the common order(s) dated 27.04.2020 passed by the learned Single Judge are set aside and the matter is remanded to the learned Single Judge to be heard afresh with two RSA i.e. ***RSA Nos. 452 and 459 of 2007.*** Needless to say, we clarify that it will be open to the learned Single Judge as such to take a fresh call whether the RSAs and the writ petitions have to be decided together or separate orders can be passed.

8. The appeals stand disposed of in the aforesaid terms, so also the pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

22th August, 2026
(sanjeev)