

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.62 of 2022
Decided on : 23.09.2026

Court on its own motion

...Petitioner

Versus

State of HP and Ors.

...Respondents.

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 petitioner : Ms. Sneh Bhimta, Advocate, as Amicus Curiae.

For the respondent(s) : Mr. Sidharth Jalta, Deputy Advocate General, for the respondents/State.

Mr. Peeyush Verma, Sr. Advocate with
Mr. Anuj Bali, Advocate, for the
applicants in CMP No.8484 of 2026.

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

The present proceedings were registered on account of a letter written by the residents of Gram Panchayat Panjli, wherein grievance was raised regarding the condition of the road leading from Chamet (Bartog) to Nagpuri, along both sides of which apple orchards exist.

2. The total length of road i.e. 8.505 kms was noticed vide order dated 23rd of November, 2023, by the Coordinate Bench. In view of the pending proceedings, the repair work was

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

carried out, and the Secretary, H.P. State Legal Services Authority, was directed to inspect the road and submit a report, which was duly furnished.

3. On 15th July, 2024, it was noticed that tarring work had been completed for a length of 5 km and the laying of Grade-II had been completed for a length of 6.200 km, and an assurance was given that by September, 2024, the entire stretch of the road would be laid. Subsequently, on account of adverse weather conditions, time was sought on the ground that tarring could only take place in the months of March–April, 2025. Resultantly, the proceedings were deferred.

4. As per the communication dated 3rd of May, 2025, it was noticed that difficulty was being encountered in laying the road over a stretch of 900 meters out of the total length 8.505 Kms, whereas work had been completed over 7.600 km. Therefore, notices were required to be issued to the landowners, who were creating hurdles in the laying of the road.

5. As per order dated 9th of July, 2025, Raj Kumar and Pawan Kumar, sons of Ramu Mal, along with Pradeep Kumar and Pramod Kumar, sons of Moti Ram, had put in appearance and prayed for time to file their respective affidavits. Necessary affidavits having been filed, on 13th of August, 2025 and 28th of August, 2025, this Court had directed to the State that affirmative steps/action be taken for completing the remaining

portion of the road track after settling down of inclement weather.

6. On 29th of December, 2025, it was noticed that only the tarring work had remained to be executed, which, on account of the high elevation of the road situated at 2,800 meters, could not have been undertaken during the winter months, and accordingly the proceedings were deferred.

7. An application bearing CMP No.8484 of 2026 has been preferred before this Court on behalf of the applicant-Pawan Kumar, son of Ramu Mal, stating that on account of the widening and metalling of the said road, an electricity pole situated on the applicant's land was being shifted, which was posing a threat to the applicant's grass store and just behind the grass store of the applicant, is the residential house of one Sh. Devinder and his brothers. Directions were accordingly sought for the construction of a retaining wall to ensure the protection of the applicant's land and the grass store. Necessary photographs in support thereof, were appended.

8. A reply has been filed on behalf of the State placing on record that protection has already been accorded by constructing a breast wall measuring 27 meters in length and 2.20 meters in height. Further, the electricity pole has already been shifted and is now situated 2 meters away from the edge of the road, posing no danger to the applicant's grass store. One

Sh. Sanjay Chauhan raised an objection asserting his right of access to his house from the road, consequently, the breast wall could not be extended further towards the electricity pole side. It is also placed on record by the State that a sum of Rs. 1,86,000/- has been spent on the work.

9. We have perused the photographs placed on record and noticed that there is an existing gap between the road and the applicant's grass store. As per the photographs placed on record by the State, the house of Sanjay Chauhan is situated along one of the pathways behind; the grass store is on the left, situated before the house of Devinder and his brothers. In our considered opinion, the contrasting stances need to be redressed accordingly, whereby the access to the house of Sanjay Chauhan has to be retained, since there are apparently two pathways and an intervening gap between the two walls. However, we are of the considered opinion that if the walls are rounded off to some further distance on both sides, it will prevent further soil erosion and also provide proper access to the houses situated beyond, which otherwise have no direct access to the road and two walls cannot be connected as such, as it would cut off the access to the houses.

10. Resultantly, the present petition is disposed of as having been rendered infructuous, with a direction to the State to carry out the necessary rectification steps by rounding off the

retaining walls to the required length at the spot to prevent further erosion of the soil while maintaining access.

11. Pending miscellaneous application(s), if any, also stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

23rd September, 2026
(Gaurav Rawat)