

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9093 of 2026
Date of Decision: 31.8.2026

Salochna Negi

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

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

For the Petitioner: Mr. Atharv Sharma, Advocate.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for respondents No. 1 to 3.
Ms. Sunita Sharma, Senior Advocate with Ms. Harshita Dogra, Advocate, for respondents No. 4 to 7.

Sandeep Sharma, J. *(Oral)*

By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for following main reliefs:

“(i) That the respondents may very kindly be directed to get the incomplete work of shifting of 33 KV electricity pole from near the house of the petitioner to the forest land as per the NOC issued by the Forest Department in a time bound manner.”

2. Averments contained in the petition, which are duly supported by an affidavit, reveal that on account of precarious condition of electrical / electricity pole located near her house, petitioner had made a request to the

respondents to shift the same, which proposal of her, though was accepted, but despite there being submission of No Objection Certificates issued twice for shifting the said pole, electricity pole has not been shifted till date, as such, petitioner is compelled to approach this Court in the instant proceedings.

3. On 5.6.2026, this Court, taking note of averments contained in the petition, directed the respondents to file reply and specifically observed in the order that in case there is no legal hurdle in shifting the electrical pole, the same shall also be carried out on or before next date of hearing. Though record reveals that some steps were taken by the Electricity Department for shifting the pole, but same could not be completed on account of some objections raised by the Forest Guard.

4. Reply filed by the respondent-Electricity Board reveals that after receipt of request from the petitioner, work was awarded to a contractor, who though started work for shifting the pole, but before same could be taken to its logical end, Forest Guard raised objection that land upon which pole is being shifted, is a forest land, as a result thereof, electricity pole, which is causing danger to life and property of the petitioner, is still posing threat to the petitioner.

5. While referring to the reply filed by respondents No. 1, 2 and 3, through Chief Conservator of Forests, Forest Circle Shimla, Mr. Vishal Panwar, learned Additional Advocate General, states that Forest Department, upon receipt of request for shifting of 33 KV electricity pole, caused the matter to be examined at the field level and after consideration of the site inspection/report, issued requisite No Objection Certificate for shifting the electricity pole to suitable forest department land so as to prevent any future hazard. He submitted that no objection of any kind has ever been raised by the Forest Department qua shifting of the pole, but otherwise also, Forest Department has no role in actual execution of work of shifting/ construction of retaining wall or laying/rerouting of 33 KV electricity line, rather such work is to be executed by the Electricity Board authorities i.e. respondent No. 4. It is further stated in the reply that respondents have neither withdrawn nor cancelled the NOC issued for shifting of 33 KV electricity pole.

6. Having carefully perused replies filed by Electricity Board as well as Forest Department, this Court is compelled to draw inference that an attempt is being made by both the departments to shift the responsibility on each other, as a result thereof, petitioner, who is under great threat, is continuously suffering.

7. Be that as it may, once it is apparent from the reply filed by the Forest Department that it has no objection in shifting of the electricity pole to some suitable forest land, coupled with the fact that Electricity Department has already awarded work to some contractor for shifting of the pole, who, at one point of time, had started the work, this Court deems it fit to dispose of the present petition with the direction to respondent No. 4 to ensure that work of shifting of pole from the premises of the petitioner to a suitable forest land is completed within a period of eight weeks and in that regard, no obstruction, if any, shall be caused by the Forest Department. In the aforesaid terms, present petition is disposed of along with pending applications, if any.

August 31, 2026

(manjit)

**(Sandeep Sharma),
Judge**