

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.49 of 2023
Decided on : 17.09.2026

Sarita Kumari and Ors. ...Petitioners

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 petitioners : Mr. Skandh Sharma, Advocate.

For the respondent(s) : Mr. Gobind Korla, Additional Advocate General.

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

The present Public Interest Litigation seeks non-shifting of the scheme under the WSS Pangri Nallah to Kalpa Water Treatment Plant, Gram Panchayat Kalpa.

2. A further prayer has been made to restart the construction work of the said plant at the earlier site at Khasra Nos.571/1 and 572/2, Up-Mohal Radule, and Khasra No. 391, Mohal Kalpa. Directions have also been sought to stop the work at the new site at DPFC-241(16), as well as on the private land, upon which a storage tank is going to be constructed.

3. As per the pleadings, the work had not been started in the year 2022 after passing of the award and the petitioners

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

approached the authorities. The petitioners had received an information under the Right to Information Act vide letter dated 06.07.2023 (Annexure P-5) that the site for the construction of Water Treatment Plant had been shifted and the storage tank was going to be constructed upon the private land by the Project Advisory Committee (PAC).

4. Aggrieved by the same, a legal notice dated 11.0.2023 (Annexure P-6) was issued to the Department, on the ground that the work had already been awarded to the successful bidders/contractors and about 30% of the work had been completed by the Contractor upon the site finalized.

5. Reply filed on behalf of respondent No.2 would go on to show that there was diversion by the Deputy Conservator of Forests, Kinnaur Forest Division at Recong Peo as the area was waterlogged and construction of Water Treatment Plant and Water Tank was not recommended over this type of land. The construction would cause damage to the irrigation *kuhl*, and even an irrigation pipeline was affected. It has been pointed out that an opinion was sought from a Technical Expert, namely, the Executive Engineer, Jal Shakti Vibhag, who vide communication dated 03.07.2023 (Annexure R/II-2) intimated that the proposed new site was forest land and had been found suitable.

6. Similarly, reply has been filed by respondents No. 4 and 5, also mentioning that the shifting was suitable and a larger

population would be benefited, as the change of site would cover a larger population and improve the ultimate delivery of public services. The water treatment plant was stated not to have come up on the earlier proposed site, and the public utility would be catering to more people, and the land at the new site had been donated by one Ram Lal.

7. It was specifically controverted that any work done, would be utilized for the supply of water and no loss or damage would be done thereby on shifting the plant. Therefore, the State has also justified that the preliminary work, which has been done but there is no loss or wastage of the resources of the State.

8. The stand of the State is that by shifting the site to a higher point, a larger number of beneficiaries would come within the scope of the project. Learned counsel for the petitioner has tried to point out to the Court that the location has been shifted on account of the influence of certain political leaders who reside in the area. However, this is a policy matter and best left to the domain of experts. Even otherwise, once the stand is that the site has been taken higher up the slope of the hill it would definitely benefit a larger number of people on account of gravity, which suits the terrain of the State, we are not convinced that there is any public interest and the petition itself is not entertainable.

9. Keeping in view the peculiar facts and circumstances, it appears that for political reasons, such types of litigations are initiated to settle scores by using the process of the court, which has been strongly deprecated by the Apex Court.

10. In such circumstances, we are not inclined to entertain this Public Interest Litigation any further, and on merits, we find that the State has made out a case to justify its action. Learned Addl. Advocate General also submits that since there was no interim order, therefore, the work at site stands completed, which is another reason for dismissing the present public interest litigation.

11. Thus, we are of the considered opinion that no case is made out for interference. Accordingly, the present Public Interest Litigation is dismissed. Pending miscellaneous application(s), if any, also stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

17th September, 2026
(Gaurav Rawat)