

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**COPC No.866 of 2025**

**Decided on: 23<sup>rd</sup> September, 2026**

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Mohan Singh

**...Petitioner**

**Versus**

Devesh Kumar and another

**...Respondents**

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*Coram*

**Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge**

*Whether approved for reporting?*<sup>1</sup>

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For the petitioner:

Mr. Deepak Gupta, Senior Advocate with Ms. Meera Devi, Ms. Yashika Thakur and Mr. Rahul Sharma, Advocates.

For the respondents:

Mr. Amit Kumar Chaudhary, Deputy Advocate General, for respondent No.1-State.

Mr. Mukul Sood and Mr. Anil Chauhan, Advocates, for respondent No.2.

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**Jiya Lal Bhardwaj, Judge** *(Oral)*

A letter has been received from Mr. Nand Kishore Negi, Retd. Architect in Chief, HPPWD, H.P., who was appointed as Local Commissioner, by this Court, vide order dated 02.04.2026 for release of fee of Rs.30,000/-, which was assessed by this Court.

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<sup>1</sup> *Whether reporters of Local Papers may be allowed to see the judgment?*

2. Learned counsel for the parties have no objection, in case, the said amount is ordered to be released in his favour, since he has submitted the report in compliance with the directions given by this Court.

3. In view of the above, the Registry is directed to remit the fee of Rs.30,000/- in favour of Mr. Nand Kishore Negi, Retd. Architect in Chief, HPPWD, H.P., along with up-to-date interest, if any, and the same be transmitted in his bank account, details whereof have been mentioned in his letter dated 15.09.2026.

4. Pursuant to the order dated 09.09.2026, both the trees i.e. 'Kail' Class IIA-1 and 'Poplar' Class IIB-1, have been removed.

5. Learned senior counsel for the petitioner submits that the respondents in compliance with the directions given by this Court on 21.10.2024 had not taken appropriate measures to repair the retaining wall. However, it has not been denied that at present the retaining wall has been constructed by respondent No.2-Corporation.

6. Learned senior counsel for the petitioner has vehemently argued that the work was done after a considerable time and further the iron bars were not used while constructing the retaining wall. He further argued that the weep holes were not kept initially, but were created only after the retaining wall was constructed. Since the respondents have now constructed the retaining wall and further even the trees have been cut, though after the orders passed by this Court, the respondents have now complied with the directions contained in the order dated 21.10.2024, qua which the alleged violation has been alleged in the present contempt petition and, thus, it cannot be said that the violation of the order was intentional and willful.

7. Keeping in view of the above facts, the contempt notices issued to the respondents are discharged. However, it is made clear that in case the retaining wall falls or gets damaged within a year or so, respondent No.2-Corporation shall repair/reconstruct the same and in case, the needful shall not be done by respondent No.2-Corporation, the petitioner will be at liberty to approach this Court.

8. The petition is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

**23<sup>rd</sup> September, 2026**

*(ankit)*

**( Jiya Lal Bhardwaj )  
Judge**