

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 9713 of 2024
Decided on: September 9, 2026

Biri Singh**..... Petitioner****Versus****State of Himachal Pradesh and others****.....Respondents****Coram****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioner:**

Mr. R.L. Chaudhary, Advocate.

For the Respondent(s):

Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocate General, for respondent Nos. 1 to 3.

Nemo for respondent No. 4.

Sandeep Sharma, J. (oral)

By way of present petition, the petitioner has prayed for the following main relief:

“That writ of mandamus may kindly be issued, directing the respondent authorities to construct the remaining 30% ambulance road through Government land i.e. *Khasra* No. 98, 359 and 360 etc. within a time bound manner, since the petitioner and other Shceduled Caste families of Village Devdhar Manthala, P.O. Talyahar, Tehsil Sadar, District Mandi, H.P. have been deprived from the facility of Ambulance Road from last number of years without any justification.”

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. R.L. Chaudhary, Advocate, appearing for the petitioner is that the respondents constructed an ambulance road in Village Devdhar Manthala from Pipal chowk to Chandgaon, on one side of *Khasra* No. 152 upto *Khasra* No. 98, to benefit persons of General caste. Claiming himself to be to be a member of

Scheduled Caste community, petitioner has alleged that afore road, maintained by Public Works Department, has not been connected to Fatehbahan Ward of Gram Panchayat Manthala, as a result whereof, large population belonging to poor section of society is suffering.

3. Pursuant to notices issued in the instant proceedings, respondent-State has filed reply, wherein allegations leveled by the petitioner have been refuted. It is averred that scheduled caste population has also been benefited by the road bifurcating from Pipal Chowk to Harizan Basti Manthala extending upto Fatehbahan Ward of Gram Panchayat Manthala. It is averred that the road is maintained by Public Works Department and petitioner's house is situate downhill from Pipal Chowk and uphill from the Neola Nala, along the road leading towards Harijan Basti Manthala, extending upto to Fatehbahan Ward of Gram Panchayat Manthala and allegation that road was intentionally not constructed beyond *Khasra* No. 152, has been denied. It is stated by respondents in the reply that a road has been constructed by Gram Panchayat from Pipal Chowk to Chand Ka Gaon along one side of *Khasra* No. 152 measuring 11-11-03 *Bigha* extending upto *Khasra* No. 99.

4. It is further averred in the reply that though, petitioner submitted representation to respondent No.2 regarding construction of remaining 30% of road through *Khasra* No. 359, 360 and 98 but construction of ambulance road over *Khasra* Nos. 360 and 98 is not feasible due to steep gradient of the terrain. It is further stated by respondents in the reply that proper grade and specifications of the road cannot be maintained without the utilization of adjoining private land and private land owners have

categorically refused to donate their land for the purpose, thereby rendering construction of road impracticable.

5. Though, careful perusal of reply filed by respondent-State, clearly suggests that remaining 30% of road is planned to be constructed on *Khasra* Nos. 360 and 98 but since this requires utilization of additional land from *Khasra* No. 152 coupled with the fact that *Khasra* No. 99 is classified as *Gair Mumkin Abadi*, and *Khasra* No. 98 as *Gohar* (cattle path), it is difficult for the respondents to construct road through aforesaid *Khasra* numbers. However, it has been categorically admitted that cattle path and Charagah exist on the spot, as has been recorded in revenue record but yet for want of certain land, which is owned by private land owners, proposed ambulance road cannot be constructed on Government land.

6. Learned counsel for the petitioner, after having carefully perused the reply filed by respondents, fairly states that in case construction of ambulance road is not feasible, cattle path which is existing on the spot, may be constructed afresh, through *Khasra* Nos. 98, 359 and 360, which is classified as *Gohar* so that population living beyond afore *Khasra* numbers are also made available proper passage to reach their houses.

7. Mr. Ravi Chauhan, learned Deputy Advocate General, while responding to aforesaid fair submission made on behalf of the petitioner, states that though cattle path already exists on the spot, but incase, same needs improvement and/or reconstruction, same can be done from the funds available with the Gram Panchayat concerned.

8. Consequently, in view of above, present petition is disposed of, with a direction to respondent No. 2 to ensure that cattle path passing through

Khasra Nos. 98, 359 and 360, is constructed/paved with stone/tiles, so that persons living beyond afore *Khasra* numbers may get access to their houses. Needful in terms of this order be done by respondent No.2, within a period of three months from today.

With these observations, the petition is disposed of, so also pending applications, if any.

(Sandeep Sharma)
Judge

September 9, 2026
(Vikrant)