

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11711 of 2026

Decided on: 15th July, 2026

Hans Raj and another

.....**Petitioners**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioners: Mr. Sanjeev Bhushan, Senior Advocate
with Mr. Sparsh Bhushan, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General
with Ms. Menka Raj Chauhan, Deputy
Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Ms. Menka Raj Chauhan, learned
Deputy Advocate General, appears and waives service of
notice on behalf of the respondents.

Considering the grievance of the petitioners, the
pleadings, the documents enclosed, the submissions made
by learned counsel for the parties and the order being
passed hereinafter, there is no necessity to call for reply

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

from the respondents. The matter has accordingly been heard at this stage.

2. The case set up by the petitioners (father and son) is that:-

2(i). Petitioner No.1 (father) purchased land comprised in Khasra Nos.1169 and 1366/1172 in Mohal Dalhousie Khas, Tehsil Dalhousie, District Chamba. The land was transferred in the name of petitioner No.2 (son of petitioner No.1) and daughter of petitioner No.1.

2(ii). Planning permission was sanctioned in favour of the petitioners under the Himachal Pradesh Town and Country Planning Act, 1977 (in short 'the Act'). Construction work was started by the petitioners on the subject land. During constructions, respondent No.4 found some deviations in the work. Petitioners were directed to demolish/alter the developments, which were found to be in contravention of the Acts and Rules framed thereunder. A notice in this regard was issued to petitioner No.2 on 05.07.2024.

2(iii). Petitioner No.2 thereafter submitted a proposal for planning permission under Section 39 of the Act for composition of the offence. Pursuant to this, a Joint Inspection Committee under the chairmanship of Sub-

Divisional Officer (Civil), Dalhousie inspected the site on 06.09.2024 and recommended the case of the petitioners for approval of permission under Sub-Section (2) of Section 15-A or Clause (a) of Section 16 or sub-section (1) of Section 30 or Section 30-A (beyond the limits as specified under Section 30-A) of the Act. Recommendations were made as the Committee found the deviations to be within the permissible 10% limit. The deviations were mainly observed in the right setback and rear setback.

2(iv). Petitioners have projected that the recommendations made by the Committee have still not been acted upon. Petitioners' case for compounding of the aforesaid deviations is still lying undecided. Accordingly, final permission has not been granted to the petitioners till date despite correspondence in this regard.

2(v). Petitioners' immediate grievance is to the office letter dated 04.07.2026 issued to petitioner No.1 by respondent No.3-Assistant Engineer, Jal Shakti Sub-Division, Banikhet, District Chamba, conveying that on account of unauthorized construction, water connection of petitioners' premises would be disconnected.

3. Learned Senior Counsel for the petitioners submits that ordering disconnection of water supply to the

premises in question is not justified as the Committee constituted by the competent authority has recommended the case of the petitioners for compounding of deviations, which were found to be within the permissible limit. These recommendations have not been taken to their logical end till date. The matter is still lying undecided. Before acting upon the recommendations of the Committee, respondent No.3 could not have passed the order, disconnecting the water supply to petitioners' premises on the allegation of construction being unauthorized.

4. In view of the pleadings, submissions made by learned counsel for the parties and the documents placed on record, there is substance in petitioners' submissions. Once the Joint Site Inspection Committee has recommended the case of the petitioners for compounding of deviations in the constructions statedly found to be within the permissible limit and when the action on the recommendations is still being awaited at the end of the competent authority, respondent No.3 should not have ordered disconnection of water supply to petitioners' premises. Accordingly, this writ petition is disposed of with direction to the respondents/competent authority to take appropriate call/action upon the recommendations made

by the Joint Site Inspection Committee (Annexure P-2) within three weeks from today.

Till such time, the water supply to petitioners' premises, as directed under the impugned office letter dated 04.07.2026 (Annexure P-3), shall not be disconnected. Respondent No.3, however, shall be at liberty to take appropriate action in accordance with law based upon the decision to be taken by the competent authority on the recommendations of the Joint Site Inspection Committee regarding construction of the subject premises.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

July 15, 2026
Mukesh

Jyotsna Rewal Dua
Judge