

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.434 of 2026
Decided on : 28.07.2026

Kamla Devi ...Appellant

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 appellant : Mr. Atharv Sharma, Advocate.

For the respondents : Ms. Priyanka Chauhan, Deputy
Advocate General.

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

By way of the present appeal, a challenge has been laid to the impugned judgment dated 03.07.2026, passed in **CWP No. 10855 of 2026, titled *Kamla Devi v. State of H.P. & Ors.***, whereby the learned Single Judge had dismissed the writ petition.

2. The dismissal was on the premise that in an earlier round of litigation, i.e., **CWP No. 5289 of 2025, titled *Kamla Devi v. State of H.P. & Ors.***, it had already been held that the writ petition was not maintainable, as respondent No. 4 is a Society registered under the Societies Registration Act and does not fall

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

within the ambit of 'State' or 'other authority', with directions merely restricted to consider the representation sympathetically.

3. It is accordingly held that the subsequent writ petition, out of which the present appeal arises i.e. **CWP No. 10855 of 2026, titled Kamla Devi v. State of H.P. & Ors.**, decided on 03.07.2026, was not liable to be entertained, as the appellant was seeking the same relief as claimed earlier, particularly when liberty had already been granted to the petitioner to avail appropriate remedies available under law for the redressal of her grievances.

4. The primary relief sought in the writ petition was essentially against the action of respondent No.4 in allotting certain shops in favour of the private respondents without adhering to a proper and transparent procedure. A perusal of the replies filed by the State as well as respondent No.4–Maa Sheetla Temple Committee in the earlier round of litigation would go on to show that respondent No.4 is a Society, and the petitioner was running a *Rehri* within the temple complex. The management of the temple is thus looked after by the society registered under the Himachal Pradesh Societies Registration Act, 2006, which replaced the erstwhile Societies Registration Act, 1860.

5. The stand of the respondent–Society was that way back on 18.04.2016, a representation had been submitted by the petitioner, whereupon respondent No.2–The Deputy Commissioner,

Mandi, HP, had conducted an inquiry and found that no member of the Committee had misbehaved with her. It was further asserted that a notice dated 20.07.2024 was duly circulated within and outside the temple complex regarding the allotment of four shops on rent. Pursuant thereto, four persons had applied for the shops, which were subsequently allotted to them in accordance with the terms and conditions stipulated in the rent agreement, a copy of which was appended as Annexure R-4/1.

6. Similarly, the stand of the State was that the petitioner was merely running a *Rehri* within the temple complex. An inquiry had also been conducted regarding the issuance of the notice inviting applications for allotment of shops in the premises, and the petitioner could not be allotted a shop due to her failure to apply for the same within the prescribed time. Though it was stated that the petitioner was offered a shop on the right side of the gate, but the petitioner has denied the said offer.

7. It is, thus, apparent that on an earlier occasion also, the learned Single Judge had chosen to dispose of the petition by noticing that the writ petition was not maintainable, and the order dated 02.07.2025 (Annexure P-7) passed in the said writ petition was never subject matter of challenge regarding maintainability of the writ petition, and has become final between the parties.

8. In such circumstances, we are of the considered opinion that the learned Single was well justified in not opening the second round of litigation on the ground that the issue had been decided *inter se* the parties. It has also been noticed that the petitioner had also raised some other issues regarding encroachment on Government land and unauthorized construction, which orders were passed in favour of the Committee and the allegations of encroachment were found to be baseless. Though we are not concerned with the said issue in the present case, but the fact remains that petitioner has continuously litigated and it is clear from the record that the petitioner had also filed CWP No.16762 of 2025, which was decided again on 3rd December, 2025 (Annexure P-8), which was again withdrawn with liberty to approach the authority concerned. Thereafter, CWP No.2194 of 2026 was filed regarding the encroachment aspect, which was disposed of with direction to decide and consider the representation. Now lastly the litigation was again preferred in 2026.

9. In such circumstances, we are of the considered opinion that the matter having been decided between the parties, and the petitioner having failed to challenge the earlier order, therefore, the present petition seeking same relief, would not be maintainable.

10. Thus, for the aforesaid reasons, we are of the considered opinion that the present appeal is bereft of merit,

therefore, the same is dismissed accordingly. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

28th July, 2026
(Gaurav Rawat)