

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17387 of 2026

Date of Decision: 01.10.2026

Bhagwan Dass

.....Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Vinay Mehta, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

Mr. Deepak Sharma, Advocate for respondent No.7.

Sandeep Sharma, Judge(oral):

Petitioner has prayed for the grant of following substantive reliefs:-

- "i). Issue a writ of certiorari, or any other appropriate writ, order or direction, quashing the notice/order dated 27.08.2026 (Annexure P-1) issued by Respondent No. 4;*
- ii) Issue a writ of mandamus restraining the respondents from demolishing, damaging, or interfering with the approach bridge providing access to the Petitioner's house at Khaneri, except in accordance with the due process of law that is after joint demarcation/ measurement of the alleged encroachment in the Petitioner's presence, supply of the sketch/map showing the precise extent thereof, and after affording the*

¹ Whether the reporters of the local papers may be allowed to see the judgment?

Petitioner a reasonable opportunity of hearing and time to remove/regularize the same voluntarily;

- iii) Direct Respondent Nos. 1 to 4 to carry out a joint demarcation/measurement of the alleged encroachment in the presence of the Petitioner, and to communicate the same to him along with a supporting sketch/map, before taking any further coercive action;*
- iv) In the alternative, permit the Petitioner to make a comprehensive representation/objection against the notice dated 27.08.2026, and direct the concerned Respondent(s) to consider and decide the same by a reasoned, speaking order after affording the Petitioner an opportunity of hearing, and further direct that till disposal of such representation no coercive action be taken against the Petitioner in terms of the notice;*

2. As per the case set up by the petitioner, he has constructed a basic approach bridge leading from his residential house to the connecting public road (NH-05) to ensure safe and reasonable ingress and egress to his property. His grievance is to the notice issued to him under Sub Rule 4 (1) (b) of the Himachal Pradesh Road Infrastructure Protection Rules, 2004, by the State Public Works Department, National Highways Sub Division Rampur Bushahr, for contravention of the prohibited Act on the road infrastructure as provided under Section 3 of the Himachal Pradesh Infrastructure Protection Act, 2003.

3. Learned counsel for the petitioner submitted that petitioner would be satisfied in case the petitioner is permitted to make afresh comprehensive representation to respondent No. 7-

Municipal Council, Rampur Bushahr, and the said respondent is directed to consider and decide said representation to be preferred by the petitioner within a time-bound period, in consultation with all the other stakeholders, including the State Public Works Department, National Highways Sub Division, HPPWD, Rampur Bushahr.

4. In view of above submissions, but without examining the merits of the matter, this writ petition is disposed of by permitting the petitioner to make representation to respondent No. 7 within a period of one week from today. In case such a representation is so made, respondent No.7 shall consider and decide the same after consulting/involving all other stake holders including the State Public Works Department, National Highways Sub Division, HPPWD, Rampur Bushahr, District Shimla within a period of three weeks thereafter. The decision so taken be communicated to the petitioner. Till the disposal of representation, if any, filed, no coercive action shall be taken against the petitioner in terms of impugned notice.

Pending miscellaneous application(s), if any, also to stand disposed of.

**(Sandeep Sharma),
Judge**

October 01,2026
(shankar)