IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.12099 of 2024
Date of Decision: 29.10.2024

Padam Sharma and Ors.

.....Petitioners

Versus

State of Himachal Pradesh and Ors.

... Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioners:	Mr. Ajay Sipahiya, Mr. Yashveer Singh Rathore, Mr. Prashant Sharma and Mr. Tarun Mehta, Advocates.
For the Respondents:	Mr. Anup Rattan, Advocate General with Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General.

Sandeep Sharma, Judge (oral):

By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for following main reliefs:

> "i. issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondents to enforce the Order dated 05.11.2020 issued by the SDM, Chopal and to implement the written agreement dated 12.11.2020 by taking all necessary measures to ensure that the Diwali festival is celebrated village-wise, as per the agreed terms;
>
> ii. issue a writ in the nature of mandamus directing the State Respondents to prevent individuals neighbouring villages from forcibly entering Village Gaunkhar during the Diwali

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

celebrations, thereby averting any potential breach of peace and public order;

ii. Issue a writ in the nature of mandamus directing the State Respondents to take all necessary preventive measures, including but not limited to, deploying adequate police personnel in Village Gaunkhar during the Diwali festival to ensure the maintenance of law and order and the safety of the Petitioners and other villagers of Gaunkhar; and

iv. grant just and proper reliefs in exercise of the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India considering the facts and circumstances of the case and further the cost of the petition may kindly be awarded in favour of the Petitioners and against the Respondents."

2. Precisely, the facts of the case as emerge from the record are that in the year 2019, a complaint was lodged at the behest of residents of Village Gaunkhar, Tehsil Kupvi, District Shimla, Himachal Pradesh that on the eve of Diwali, residents of Village Dhar Chandna, unauthorizedly entered their village and created ruckus. Allegedly, again in the year 2020, residents of Village Dhar Chandna unauthorizedly entered Village Gaunkhar on the eve of Diwali and caused breach of peace, as a result thereof, criminal cases were lodged against the parties, however, subsequently with the intervention of elderly people of both the villages, residents of both the villages decided that they will not go to villages of each other on the eve of Diwali, rather Diwali would be celebrated in their own villages.

3. Having taken note of apprehension of breach of peace and compromise arrived inter-se parties, SDO Chopal vide order dated 5.11.2020 (Annexure P-3), directed the residents of Village Dhar Chandna not to visit Village Gaunkhar during Diwali and pursuant to afore order, residents of the Village Dhar Chandna were restrained from entering the Village Gaunkhar for two years, but in the year 2023, a group of people from Village Dhar Chandna again entered Village Gaunkhar on the eve of Diwali, and allegedly gave beatings to the residents of Village Gaunkhar. On 15.11.2023, some of the residents of Village Gaunkhar lodged report with the police station concerned, but till date, parties have not been able to settle their dispute, as a result thereof, petitioners herein, who are residents of Village Gaunkhar, have approached this Court in the instant proceedings, seeking therein direction to the respondent/State to ensure that on the eve of Diwali, residents of Village Dhar Chandna, are restrained from entering their village to prevent any untoward incident in the village.

4. Having regard to the nature of dispute and sensitivity of the matter coupled with the time left for Diwali celebrations, this Court instead of calling for detailed reply from the respondents specifically called upon the learned Additional Advocate General to have instructions from the Deputy Commissioner, Shimla as well as Superintendent of Police Shimla, respectively.

5. Pursuant to aforesaid direction, learned Additional Advocate General has placed on record communication dated 29.10.2024 issued under the signature of Additional District Magistrate (L&O) Shimla, Himachal Pradesh, perusal whereof reveals that authorities responsible for maintaining law and order, having taken note of apprehension of breach of peace, on account of entry of the residents of Village Dhar Chandna, have already made formal request to the Director General of Police to depute 40 police personnel in Village Dhar Chandna on the eve of Diwali at Village Gaunkhar. Aforesaid communication further reveals that SDM vide order dated 15.11.2020 has already restrained the residents of the Village Dhar Chandna from visiting Village Gaunkhar during Diwali and as such, authorities detailed herein above with a view to ensure compliance of order dated 5.11.2020 have already made proper arrangements.

6. Learned counsel for the petitioner having perused the aforesaid communication fairly states that nothing much is left in the petition to be adjudicated and as such, this court may pass appropriate orders.

7. Consequently, in view of the above, present petition is disposed of with a direction to the Deputy Commissioner, Shimla, as well as Superintendent of Police, Shimla to ensure that order dated 5.11.2020, passed by the SDM Chopal as well as written compromise arrived inter-se parties (Annexure P-4) is adhered to by

the residents of both the Villages i.e. Gaunkhar and Dhar Chandna so that no untoward incident takes place. Afore authorities may specifically bring the factum of passing of instant order in the knowledge of the villagers by displaying public notice in the offices of Gram Panchayats of the villages concerned so that same is not flouted by the villagers.

8. Learned Additional Advocate General undertakes to convey the order to the aforesaid authorities so that panchayats of both the villages are apprised with regard to direction issued by this Court for necessary compliance. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any.

Authenticated copies be supplied to the parties**.**

October 29, 2024 **(Sandeep Sharma),**
manjit **Judge**