**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.46 of 2016**

**Decided on: 31.10.2026**

Sh. Ranbir Singh ... Petitioner

**Versus**

State of Himachal Pradesh and others ... Respondents

**Coram**

**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.**
**Hon'ble Mr. Justice Yogesh Jaswal, Judge.**

**Whether approved for reporting?**[1]

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|---|---|
| For the petitioner: | Mr. Deepak Kaushal, Senior Advocate, with Mr. Aditya Chauhan, Advocate. |
| For the respondents: | Mr. Pushpinder Jaswal, Additional Advocate General. |

**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioners have, inter alia, prayed for the following relief:-

> "*A). That a Writ in the nature of Certiorari may kindly be issued to the respondents 1 to 3 calling upon him to produce the entire record of the case and the illegal demand of Rs. 1,99,51,386/- as well as the impugned demand orders dated 24.09.2015 (Annexure P-8) and demand order dated 4.11.2015 (Annexure P-9) issued by the respondent No 3 may kindly be quashed.*"

2. The petition, according to us involves disputed questions of fact, as whether or not the amount being demanded from the petitioner by the Authorities is payable obviously is a question of fact, which can be determined by the appropriate Authority after giving an opportunity to the parties to put-forth their respective contentions on merit.

3. The invocation of Article 226 of the Constitution of India

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

in these circumstances is not understood by us, because according to us the provisions of Article 226 could have been invoked in the peculiar facts of this case only if the case of the petitioner was that the notices issued were *void ab initio* for any reason whatsoever. As it is not the case of the petitioner that the Authority was not vested with the jurisdiction to issue a notice, but it is only aggrieved by what is contained in the notices of demand, the petitioner would have been well advised to seek the statutory remedies available under the Himachal Pradesh Tolls Act, 1975, which also includes the remedy of seeking revision of the order.

4. Accordingly, as prayed for, this petition is disposed of without adjudication on merit, with liberty to the petitioner that in case he invokes the revisional jurisdiction of the Commissioner against the notices in issue within a period of six weeks from today, then the revision petition shall be dealt with and decided on merit, but if the revision is not filed within the said period, then the liberty granted by the Courts to the petitioner shall cease to exist. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

**(Ajay Mohan Goel)**
**Judge**

**(Yogesh Jaswal)**
**Judge**

October 31, 2026
(Rishi)