2026:HHC:47306

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.7625 of 2026

Date of decision: 28.10.2026

Smt. Aruna Sharma **…..Petitioner**

Versus

State of H.P. and others **…..Respondents**

Coram

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

Whether approved for reporting?[1]

For the Petitioner **:** Mr. Sudhir Thakur, Senior Advocate with Mr. Somesh Sharma, Advocate.

For the Respondents **:** Mr. Anup Rattan, Advocate General with Mr. Pushpender Jaswal, Additional Advocate General, for respondents No. 1, 2 and 4.

Mr. Surinder K. Sharma, Senior Advocate with Mr. Neeraj Sharma, Advocate, for respondent No.3.

Ms. Anchal Sharma, Advocate, for respondent No.6.

Respondent No.5 ex parte.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:-

> "(i) To issue the writ of Certiorari or the writ in the nature of Certiorari to quash the order dated 12.05.2026 (Annexure P-4) passed by Assistant Returning Officer, Sub-Tehsil,

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

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> Namhol, District Bilaspur, H.P. to be illegal, arbitrary and malafide.
>
> (ii). To issue writ of Certiorari or writ in the nature of Certiorari to quash and set-aside the ordinance dated 06.05.2026 (Annexure P-6) to be illegal, arbitrary and malafide.
>
> (iii). To issue the writ of mandamus or the writ in the nature of mandamus directing respondents to allow the petitioner to contest the election of Gram Panchayat, Surhar, Tehsil Sadar, District Bilaspur, H.P. as per election Schedule (Annexure P-1)".

2. Learned Senior Counsel for the petitioner submitted that on account of subsequent developments, it would be in the interest of justice in case a quietus is given to this petition, but with the observation that holding the petitioner disqualified for the purpose of contesting the elections which are now over, on the alleged ground that her father-in-law had encroached upon Government land, should not be construed as disqualification for future also, as till date, there is no adjudication by the Competent Authority to the effect that the father-in-law of the petitioner has indeed encroached upon Government land.

3. Having perused the pleadings, as it is evident from the material placed before us that there is no order passed by the Competent Authority declaring the father-in-law to have had encroached upon the Government Land, i.e., an order passed under Section 163 of the H.P. Land Revenue Act, this petition is disposed of with the observation that because the petitioner was held to be disqualified on the alleged ground that her father-in-law

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had encroached upon the Government Land, the same shall not be construed as a disqualification for future also nor it should be construed that this Court has upheld the holding of the petitioner to be disqualified and the same will be depending upon the final outcome of the proceedings which stand initiated against the father-in-law of the petitioner under Section 163 of the H.P. Land Revenue Act in terms of issuance of a show cause notice dated 20.06.2025 in File No.3/2025 titled State Versus Babu Ram Lal that he has encroached upon the Government land. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

28th October, 2026.
(**yogesh**)