IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19971 of 2026
Date of Decision: 4.11.2026

Madan Singh

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

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

For the Petitioner: Mr. Vinod Chauhan, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Vinod Chauhan, Advocate, is that since appeal under Section 9 of the H.P. Public Premises and Land (Eviction and Rent Recovery) Act (in short "Act") having been filed by the petitioner laying therein challenge to order dated 06.10.2026 passed by Authorized Officer cum DFO, Paonta Sahib, in case titled State of H.P. versus Madan Singh under Section 4(1) of the Act, whereby petitioner has been declared to be an encroacher on the Government land, is not being taken up for hearing on urgent basis, there is an imminent threat of dispossession

2. Careful perusal of pleadings as well as material adduced on record reveals that pursuant to complaint made with regard to encroachment by the petitioner upon Government land, eviction proceedings came to be initiated against him under the Act wherein competent authority i.e. Authorized Officer cum DFO, Paonta Sahib has declared him encroacher, but before aforesaid order could be executed, petitioner filed appeal under Section 9 of the Act in the Court of learned Divisional Commissioner, Shimlam. Since same is not being taken up on urgent basis for the reason that shifting is taking place of the office / Court of learned Divisional Commissioner, Shimla and Forest Department is pressing hard upon the petitioner to vacate the premises in terms of order dated 06.10.2026 passed by Authorized Officer cum DFO, Paonta Sahib, petitioner has approached this Court in the instant proceedings, seeking therein direction to Divisional Commissioner to ensure that appeal having been filed by him is taken on urgent basis.

3. Having regard to nature of order proposed to be passed, this Court sees no necessity to call for reply on behalf of the respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General. Mr. Kahol states that appeal, if any, filed by the petitioner, if not already taken, shall be taken by the competent authority expeditiously.

4. Consequently, in view of aforesaid fair stand adopted by learned Additional Advocate General, this Court without going into the merits of the case deems it fit to dispose of the same with direction to Divisional Commissioner, Shimla to take up the appeal of the petitioner, as detailed above, on urgent basis, preferably within a period of one week and decide application, if any, filed for stay against the order passed by Authorized Officer under Section 4 of the Act. Ordered accordingly.

5. Till the time, needful is done by Divisional Commissioner in terms of directions contained in instant order, no coercive action shall be taken against the petitioner pursuant to order passed by Authorized Officer cum DFO, Paonta Sahib under Section 4 of the Act.

6. It is made clear that this Court has not commented upon the merits of the appeal, if any, filed by the petitioner, rather same shall be decided by the competent Court of law i.e. Divisional Commissioner in accordance with law and interim protection granted by this Court shall remain in force till the disposal of stay application by the competent Court of law. Pending applications, if any, stand disposed of accordingly.

November 04, 2026 **(Sandeep Sharma),**
(manjit) **Judge**