

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 7573 of 2013.

Date of Decision: 30<sup>th</sup> September, 2013.

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Malkan Devi

....Petitioner.

Versus

State of H.P. & others.

....Respondents.

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*Coram*

**The Hon'ble Mr. Justice Dev Darshan Sud, J.**

**The Hon'ble Mr. Justice Dharam Chand Chaudhary, J.**

Whether approved for reporting?<sup>1</sup> No.

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For the petitioner: Mr. Y.P.S. Dhaulta, Advocate.

For the respondents: Mr. V.S. Chauhan, Addl. A.G. and Mr.  
Vikram Thakur, Dy. A.G.

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**Dev Darshan Sud, J (Oral).**

It is submitted by learned counsel for the petitioner that the case of the petitioner is squarely covered by the decision of this Court in **CWP No. 8984 of 2012, titled as Reshmu Devi & another versus State of H.P. & others, decided on 18<sup>th</sup> October, 2012** as also by the decision of the Supreme Court in **Bhagwati Prasad versus Delhi State Mineral Development Corporation, AIR 1990 SC 371**. Learned counsel submits that facts in the present case are identical to those in **Reshmu Devi and Bhagwati Prasad's** cases supra. In these circumstances, the petitioner is entitled to the same relief as granted in **Reshmu Devi and Bhagwati Prasad's** cases.

2. We do not pronounce on the merits of the case of the petitioner or that of the State which opposes the present petition but direct that the second respondent shall consider/determine as to

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<sup>1</sup> *Whether Reporters of Local Papers may be allowed to see the judgment? Yes.*

whether the facts in this case are similar or identical to those in ***Reshmu Devi and Bhagwati Prasad's*** cases supra. The determination shall be by a reasoned and speaking order after granting the petitioner an opportunity of being heard and placing on record such other and further material on which he seeks to rely. If on determination, the facts in this case are found to be identical to those in ***Reshmu Devi and Bhagwati Prasad's*** cases, the petitioner shall be granted the same relief. Such determination shall be done within ten weeks from today. Petition stands disposed of.

3. All pending miscellaneous applications also stand disposed of.

( Dev Darshan Sud),  
Judge

30<sup>th</sup> September, 2013.  
(jai)

(Dharam Chand Chaudhary)  
Judge