

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

**CWPIL No.: 109 of 2018.**

**Decided on: 31.07.2018.**

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Court on its own motion

...Petitioner.

Versus

State of H.P. and others

...Respondents.

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***Coram***

***The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice.***

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

**Whether approved for reporting?<sup>1</sup>**

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For the petitioner : Mr. Tara Singh Chauhan, Advocate,  
as Amicus Curiae.

For the respondents : Mr. Ashok Sharma, Advocate  
General with M/s. Ranjan Sharma  
and Adarsh K. Sharma, Addl.  
Advocates General for the  
respondents-State.

: Mr. Naresh Gupta, Advocate  
for respondent No. 4.

: Mr. Suneet Goel, Advocate for  
respondent No. 7.

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**Sanjay Karol, Acting Chief Justice (Oral)**

This Court had taken *suo motu* cognizance of a letter petition address to it by one Shri Roshal Lal Verma, son of late Sh. Narotam Ram, resident of Lakshmi Cottage, Panthaghati, Shimla-09, who had alleged encroachment upon the government land by one Shri Amin Mohammad.

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?

2. On 03.07.2018, this Court, while issuing notice to the respondents, impleaded the alleged encroacher as party respondent No. 7 and requested Mr. Tara Singh Chauhan, learned Counsel, who was present in the Court, to assist as Amicus Curiae.

3. Today, when the case was taken up, learned Amicus Curiae has filed status report and one affidavit also stands filed on behalf of respondent No. 3, which are taken on record. A perusal of the same demonstrates that the contents of the letter petition were found to be correct.

4. At this stage, Mr. Suneet Goel, learned Counsel, under instructions, from Sh. Amin Mohammad, son Sh. Abdul Rashid, r/o Panthaghati, Shimla (respondent No. 7), states that respondent No. 7 has no objection to (a) the construction of the path by the Municipal Corporation; (b) reinforcing of the foundation by any one of the neighbours; (c) cordoning of the area by the Municipal Corporation, if so required and desired, subject to availability of the budget; and (d) laying of water pipes, if so required and desired. Statement accepted and taken on record.

5. Learned Amicus Curiae as also learned Additional Advocate General have expressed their satisfaction to the

statement so given on behalf of respondent No. 7 and submitted that the petition can be closed at this stage. Ordered accordingly.

6. Before parting, we wish to place on record appreciation qua the efforts put in by Mr. Tara Singh Chauhan, learned Amicus Curiae, who, on the instructions of this Court obtained necessary feedback.

7. Registry is directed to send a copy of this judgment to the Municipal Commissioner, Shimla (respondent No. 4) and Deputy Commissioner, Shimla (respondent No. 5), for necessary action as well as to the letter petitioner to enable him to take follow up action, if any, with the authorities concerned.

Petition stands disposed of in above terms.

**(Sanjay Karol)**  
**Acting Chief Justice**

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

**July 31, 2018.**

*(narender/brb)*