

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.: 126 of 2018

Date of decision: 31st July, 2018

Court on its own motion	Vs.Petitioner
State of H.P. & Ors.	Respondents

Coram:

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

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

Whether approved for reporting?¹

For the petitioner : Mr. Harsh Kalta, Advocate, as Amicus Curiae.

For the respondents-State: Mr. Ranjan Sharma, Additional Advocate
General.

For respondent No.6 : Mr. V.D. Khidta, Advocate.

Sanjay Karol, Acting Chief Justice (Oral).

This Court took suo motu cognizance of a letter petition, addressed to it by the residents of Village Nyori, Post Office Gohar, Tehsil Chachiot (Gohar), District Mandi, who had highlighted the issue of alleged encroachment over school ground by respondent No. 6.

2. On 20.7.2018, while issuing notice, this Court directed respondent No. 4, i.e. SDM, Chachiot (Gohar), District Mandi to visit the spot forthwith and submit his report. This Court had also requested Mr. Harsh Kalta, learned counsel, who was present in Court to assist in this matter as Amicus Curiae.

3. Pursuant to the order of this Court, status report has been filed by respondent No. 4, perusal of which demonstrates that land in issue is in fact owned by respondent No. 6 and is in his possession, except land measuring 0-

¹Whether the reporters of the local papers may be allowed to see the Judgment?

9-14 bigha, which though is owned by respondent No. 6, but is in the possession of that school. Thus, it stands mentioned in the status report that respondent No. 6 has not encroached upon the Government land, but on the contrary, certain portion of the land owned by respondent No. 6, is in possession of the school.

4. Having perused the status report and having heard the learned Amicus Curiae as well as learned Additional Advocate General, we close this petition with the observations that every endeavour shall be made by respondent No. 4 to ensure that an adequate play ground is made available for the children of the Government Middle School, Deleg at Tikri.

5. Before parting, we wish to place on record our appreciations for the efforts put in by the learned Amicus Curiae, who on the instructions of this Court, contacted letter petitioner and obtained necessary feedback.

6. Registry is directed to send a copy of this judgment to the Deputy Commissioner, Mandi and to the SDM, Chachiot (Gohar), District Mandi for necessary action as well as to the letter petitioner to enable him to take follow-up action with the concerned authorities.

Petition stands disposed of accordingly.

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

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

31st July, 2018
(reena)