

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No.: 1357 of 2016 a/w CWP Nos. 1358,
1360, 1376, 1377, 1613, 1992 and 2452 of 2016**

Date of Decision: 30.11.2018

CWP No.: 1357 of 2016

Shri L. P. GuptaPetitioner.

Vs.

State of Himachal Pradesh and othersRespondents.

CWP No. 1358 of 2016

Shri Ajesh SharmaPetitioner.

Vs.

State of Himachal Pradesh and othersRespondents.

CWP No. 1360 of 2016

Smt. TarawatiPetitioner.

Vs.

State of Himachal Pradesh and othersRespondents.

CWP No. 1376 of 2016

Shri Shanti Swaroop SharmaPetitioner.

Vs.

State of Himachal Pradesh and othersRespondents.

CWP No. 1377 of 2016

Smt. Bimla AroraPetitioner.

Vs.

State of Himachal Pradesh and othersRespondents.

CWP No. 1613 of 2016

Mohinder Singh Kainth and anotherPetitioners.

Vs.

The State of Himachal Pradesh and othersRespondents.

CWP No. 1992 of 2016

Bishamber NathPetitioner.

Vs.

The Union of India and othersRespondents.

CWP No. 2452 of 2016

Shri Anil Kumar GuptaPetitioner.

Vs.

Union of India and othersRespondents.

Coram:

The Hon'ble Mr. Justice Surya Kant, Chief Justice

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

Whether approved for reporting?¹

For the petitioners:

Mr. B.C. Negi, Senior Advocate, with Mr. Basant Lal Thakur, Advocate & M/s C.N. Singh, Deepak Gupta and Partap Singh Goverdhan, Advocates, in the respective writ petitions.

For the respondents:

Mr. Ashok Sharma, Advocate General, with M/s J.K. Verma, Rajan Sharma, Adarsh Sharma, Ritta Goswami, Nand Lal Thakur and Ashwani Sharma, Additional Advocate Generals, for the respondents-State.

Mr. Rajesh Sharma, Assistant Solicitor General of India, for the Union of India.

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

Ms. Jyotsana Rewal Dua, Senior Advocate, with Ms. Charu Bhatnagar, Advocate, for the National Highways Authority of India.

Mr. Vinod Thakur, Advocate, for the Himachal Pradesh State Forest Corporation.

Surya Kant, Chief Justice (Oral):

The grievance of the petitioners in these bunch of writ petitions is against the Notices served on them under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002, alleging *inter alia* that they have unauthorisedly encroached upon the Government land, which was required for widening/four-laning of NH-22.

2. It is not in dispute that after the amendment in the Road Infrastructure Map by the Government of Himachal Pradesh vide Notification dated 12.12.2016, the area of encroachment in each case has been re-determined and those encroachments have since been removed by the Authorities in compliance to the Order dated 26.10.2018 passed by this Court. A compliance report has also been filed. It is taken on record. This would render the writ petitions as infructuous, except that wherever the writ petitioners claim themselves to be owners of the land or structure and want to seek enhancement of compensation, they may approach the appropriate Authorities, however, they shall not make any fresh attempt of encroaching upon the land got vacated from them under the directions of this Court. Petitioners shall also be at liberty to

represent the NHAI Authorities or the State Government for the removal of encroachment by any other person, which is yet to be removed and on receipt of such representation, the Authorities will immediately inspect the site and determine whether or not there exist any encroachment and if so, let the same be removed within two weeks of determination of the nature of encroachment.

With the aforesaid observations/directions, the writ petitions stand disposed of, so also miscellaneous applications, if any.

(Surya Kant)
Chief Justice

(Ajay Mohan Goel)
Judge

November 30, 2018
(bhupender/guleria)