

HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CWP No.5450 of 2020
Decided on:27.11.2020**

M/s Shiva Medical HallPetitioner
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Versus

State of H.P. and othersRespondents
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Coram:

Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice.

Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. K.D. Shreedhar, Sr. Advocate with Ms. Shreya Chauhan, Advocate, through video conferencing.

For the respondents : Mr. Ashok Sharma, Advocate General and Mr. Ajay Vaidya, Sr. Additional Advocate General with Ms. Ritta Goswami and Mr. Nand Lal Thakur, Additional Advocate Generals, for the respondents/State, through video conferencing.

L. Narayana Swamy, Chief Justice (Oral).

The present writ petition has been preferred with the following prayer(s):-

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

- "i) The respondents be directed to forcibly evict the private respondent from the chemist shop at Room No.104, ART Centre, Dr. RPGMC Tanda since he being in unauthorized and illegal possession of the same.*
- ii) The respondents be further directed to hand over the physical possession of the said shop to the petitioner since being the successful bidder in the tender process for the chemist shop and be further allowed to run the said shop at RPGMC & Hospital henceforth for a period of three years.*
- lii) The respondents be directed to recover the monthly rent @ Rs.3,53,111/- plus service tax as arrear of land revenue from the private respondent w.e.f. 16.06.2014 i.e. when the tenure of tenancy of the petitioner was to commence;*
- iv) The respondents be directed to compensate the petitioner for the loss of income incurred by him for over six years since 16.06.2014;*
- v) The respondents be restrained from issuing any new tender notice for renting out the said shop at RPGMC & Hospital Tanda."*

2. Mr. Ashok Sharma, learned Advocate General, submits that the issue in dispute is under consideration before the Divisional Commissioner, Kangra Division at Dharamshala and he prays that the said authority may be directed to decide the same, which is pending adjudication in Case No.140/2015, titled **Harish**

Pathania versus ***Medical Superintendent-cum-Member Secretary, Rogi Kalyan Samiti Dr. RPMC and Hospital Kangra at Tanda,*** within a time bound manner.

3. In view of the submissions made by learned Advocate General, we deem it proper to dispose of the present writ petition with a direction to the Divisional Commissioner, Kangra Division at Dharamshala, to decide the aforesaid pending case, in accordance with law, positively within a period of three weeks from today.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.

(L. Narayana Swamy)
Chief Justice

November 27, 2020
(Yashwant)

(Anoop Chitkara)
Judge