

Ram Lal and another vs. State of H.P.

Cr. Revision No. 68 of 2025

30.01.2025 Present: Mr. Arsh Chauhan, Advocate for the petitioner.
Mr. Manoj Chauhan, Additional Advocate General, or the respondent-State.

Cr.M.P. No. 387 of 2025

Mr. Manoj Chauhan, learned Additional Advocate General accepts notice on behalf of the respondent-State.

No reply is intended to be filed to this application. The present application has been filed for placing on record the certified copy of the conditional order dated 13.09.2024, which was affirmed by the impugned order; hence, the copy of the order is necessary for the adjudication of the dispute pending before the Court. Consequently, the application is allowed and the certified copy of the order dated 13.09.2024 is ordered to be taken on record.

Application stands disposed of.

Cr.M.P. No. 385 of 2025

Since the applicant is permitted to place on record a certified copy of the conditional order dated 13.09.2025 passed by learned SDM Rohru vide order passed in Cr. M.P (M) No. 387 of 2025; hence, the present application has become infructuous, and it is accordingly

disposed of.

Cr.M.P. No. 382 of 2025

Learned Sub Divisional Magistrate, Rohru made the conditional order dated 13.09.2024 absolute vide the impugned order dated 11.12.2024. He also directed the petitioners to permit the laying of the sewage line through their land and in case of failure, to disconnect all the public utilities including the sewage line, accessibility of water and electricity. *Prima facie*, the order dated 11.12.2024 is beyond the scope of the conditional order dated 13.09.2024. Secondly, it is based on the inspection conducted by the learned SDM and not the evidence led before him. Thirdly, the State could not have been permitted to utilise the petitioner's land for laying sewerage without acquiring it or taking and the order passed by learned SDM depriving the petitioners of their property except as per the law is beyond the scope of Section 157 of Bhartiya Nagrik Surksha Sanhita (BNSS). Hence, the order dated 11.12.2024 passed by learned SDM, Rohru is ordered to be stayed till further orders.

Reply, if any, be filed within four weeks.

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Mr. Manoj Chauhan, learned Additional Advocate General accepts notice on behalf of the respondent-State.

Record of the learned Trial Court be
requisitioned.

List the matter thereafter.

(Rakesh Kainthla)
Vacation Judge

30th January, 2025
(Nikita)