

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

CWP No. 1144 of 2021

Decided on 20th August 2025

Kashmir Singh and others

...Petitioners

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

¹Whether approved for reporting? Yes

For the petitioners: Mr. Kush Sharma, Advocate.

**For the respondents: Mr. Pushpinder Jaswal, Additional
Advocate General, for the respondents.**

**Mr. K.B. Khajuria, Advocate, for
respondent No.6.**

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has approached the Court *inter alia* alleging that despite the fact that the private respondent has encroached upon Government land including the path, till date no action has been taken by the respondents to remove the said encroachment.

2. Learned Additional Advocate General based on the directions issued primarily by the Court has produced the instructions received from the Executing Engineer, Divisional

Jhandutta, HPPWD, District Bilaspur, H.P., dated 19.08.2025, which are taken on record. The relevant portion of the instructions is quoted herein-below:-

“This is with reference to the above cited subject, it is submitted that complaint was received from Sh. Kashmir Singh against Sh. Ram Prakash regarding illegal construction over the Govt. land. Accordingly site was visited and observed that Sh. Ram Prakash had constructed shops alongside Berthin Nihari road at RD 0/000 on khasra no. 290 in village Berthin Tehsil Jhandutta Distt, Bilaspur HP. The notice was issued to remove the alleged unauthorized construction carried out by Sh. Ram Prakash by the Assistant Engineer Sub Division Berthin HPPWD vide letter no. 2253-56 dated 23.02.2021. Further notice was also issued by this office to Sh. Ram Prakash vide letter no. 6950-51 dated 02.03.2021 to remove the unauthorized alleged construction.

Subsequently, demarcation was conducted by the Revenue authority on 17.04.2021 and as per demarcation report it has been observed that Sh. Ram Prakash S/o Sh. Rama Nand, Sh. Amar Nath S/o Sh. Bansi Ram and Sh. Rajender Prasad S/o Sh. Ramrath have encroached area of 57.94 Sq.m., 9.09 Sq.m. and 12.94 Sq.m. respectively in the acquired land of this Department. Thereafter notices were issued by the Assistant Engineer, Sub Division Berthin HPPWD vide letter no. 128 to 130 dated 17.04.2021, no.1803-06 dated 24.03.2023 to Sh. Ram Prakash, Sh. Amar Nath and Sh. Rajender Prasad to remove the encroachment raised over the Govt. Land on khasra no. 290. Further Notice under sub rule (4)(1)(b) of Himachal Pradesh Road Infrastructure Protection Rules, 2004 for contravention of prohibited acts on Road Infrastructure as provided under Section 3 of the Himachal Pradesh Road Infrastructure Protection Act, 2002 was issued by the Assistant Engineer, Sub

Division Berthin HPPWD vide notice no. 411-13 dated 18.08.2025 to Sh. Ram Prakash, vide notice no. 414-16 dated 18.08.2025 to Sh. Amar Nath and vide notice no. 417-19 dated 18.08.2025 to Sh. Rajender Prasad to start within three days from the date of receipt of this notice, the process of restoration of the damage caused to the road infrastructure and complete the same within one week with consultation by this department. Failing which, the work of restoration of status quo ante shall be initiated by the department at your risk and cost along with restoration cost so imposed by the confirmatory authority as per the provisions of sub-section (4) of section 6 of the Act.”

3. In light of the instructions, these proceedings are closed with the direction that the authorities shall initiate action against the encroachers in accordance with law forthwith, if not already initiated and ensure that the same are taken to their logical conclusion on or before 31.12.2025. In case, the proceedings already stand initiated, then, the same be also taken to their logical conclusion before the said date. It goes without saying that procedure of natural justice should be adhered to.

4. At this stage, learned counsel for the private respondent submits that one of the petitioners is also an encroacher.

5. This Court has not used the term petitioner or respondent. It has directed the respondent authority to initiate action to ensure that all encroachments are removed from Government land/path by either the petitioner or respondent. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

August 20, 2025
(*Vinod*)