

M/s ACC Ltd. vs. Hardei & Ors.

CMPMO No.57 of 2026

13.02.2026

Present: Mr. Sunil Mohan Goel, Senior Advocate with Mr. Abhinav Mohan Goel, Advocate for the petitioner.

Mr. Leela Nand Sharma, Additional Advocate General, for respondent No.5.

CMPMO No.57 of 2026

Notice. Mr. L.N. Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of respondent No.5/State. He undertakes to file reply on the next date of hearing.

Notice be issued to respondents No.1 to 4, returnable by the next date, on taking steps during the course of the day.

List on **23.03.2026**.

CMP No. 2397 of 2026

Notice in the aforesaid terms.

It is contended by the learned Senior Counsel for the petitioner that the impugned order dated 16.01.2026 passed by the learned District Judge, Bilaspur in CMP No.10 of 2026 in Appeal No.1 of 2026 titled as “***Hardei & Ors. vs. ACC Ltd. Anr.***” suffers from infirmity and as per the record appended as Annexure D-2, State of Himachal Pradesh is the owner of

the property and it is depicted 'Gair Mumkin Gohar-Sham-e-aam-rafa-ye-aam'.

It has further been contended, especially, in the written statement that the Government of Himachal Pradesh has acquired 477.05 Bighas land for the company in the said village Khater and they are enjoying the easementary rights over the same since 1984 and therefore, they have got legal right to use this passage like any other person. It has further been contended that the trucks plying on the suit land/passage are not owned by the defendant-company, rather, they are of the nearby villagers, who are owners of these trucks working in the company through Transport Societies.

The applicant has made out a prima facie case, therefore, till the next date of hearing the operation and the implementation of the impugned order dated 16.01.2026 as passed by the learned District Judge, Bilaspur, is kept in abeyance.

List the matter on **23.03.2026**.

(Romesh Verma)
Vacation Judge

February 13, 2026
(Ritu)