



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2798 of 2026

Reserved on: 02.04.2026

Date of decision: 06.04.2026

Bal Krishan & Ors. ...Petitioners.

Versus

State of Himachal Pradesh & Ors. ...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹ Yes.

For the petitioners : Mr. Ashok Kumar, Advocate.

For the respondent(s) : Mr. Anup Rattan, Advocate General with
Mr. Ramakant Sharma, Additional
Advocate General.

Vivek Singh Thakur, Judge

By way of the present petition under Article 226 of the Constitution of India, petitioners have assailed inclusion of Gram Panchayat Kutehla and Gram Panchayat Manjhed for constitution and declaration of Nagar Panchayat Swarghat, District Bilaspur, vide impugned notification dated 25.02.2026 (Annexure P-11), issued by respondents, alleging the same to be arbitrary, illegal, and violative of Articles 14 and 243 of the Constitution of India.

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



2. This is the third round of litigation. The respondents had notified proposal for declaration of Nagar Panchayat Swarghat vide notification dated 23.11.2024 (Annexure P-2), inviting objections from affected persons through Deputy Commissioner, Bilaspur, within a period of two weeks.

3. Petitioner has filed objections against inclusion of Gram Panchayats Kutehla and Manjhed, including residents of village Thapna, in the proposed Nagar Panchayat, Swargaht, on the ground that all of them are villagers and intend to live in Gram Panchayats, as creation of a Nagar Panchayat would cause maximum loss to the farmers/villagers dependent upon agriculture, as after creation of the Nagar Panchayat, they will be deprived of the benefits available to rural areas. They would be required to get maps approved/sanctioned for construction of houses or any other building, whereas the majority of residents of Gram Panchayats are poor and not in a position to pay taxes, etc., leviable in Nagar Panchayat, nor are they capable of bearing cumbersome rules and terms applicable to a municipal area.

4. For the first time, petitioner had approached this Court by filing **CWP No.15500 of 2024 (Bal Krishan & Ors. vs. State of Himachal Pradesh & Ors.)** with the grievance that objections filed by the petitioner(s) qua the formation of Nagar Panchayat Swarghat



by including their respective Gram Panchayats, were not being disposed of in a time-bound manner, creating a situation of uncertainty. The said petition was disposed by learned Single Judge vide order dated 18.12.2024 on the basis of statement of learned Advocate General that State was in process of completing all codal formalities and liberty was granted to the petitioners to file appropriate proceedings in appropriate Court of law, if required and desired.

5. Vide notification dated 20.12.2024, Department of Urban Development, Government of Himachal Pradesh, constituted Nagar Panchayat Swarghat, District Bilaspur.

6. Petitioners had also assailed the draft notification dated 23.11.2024 (Annexure P-2) by filing **CWP No.2906 of 2025 (Bal Krishan & Ors. vs. State of Himachal Pradesh & Ors.)**. The respondents had placed on record the final notification dated 20.12.2024, which was issued in furtherance of the draft notification dated 23.11.2024. The said CWP was decided on 18.12.2025 (Annexure P-10) by quashing and setting aside the draft notification dated 22.11.2024 (Annexure P-2) as well as the final notification dated 20.12.2024, with directions to the Secretary, Urban Development, to consider the objections of the petitioners and to take an appropriate decision in accordance with law, as



expeditiously as possible, preferably on or before 10.01.2026, by passing a reasoned and speaking order after providing a personal hearing to the petitioners.

7. In sequel to aforesaid order, vide notice dated 26.12.2025 petitioners/objectors were summoned for personal hearing on 31.12.2025. After considering the objections and giving personal hearing to the petitioners/objectors, the Director, Urban Development, recommended rejection of the objections, and creation of Nagar Panchayat Swarghat. Vide office order dated 09.02.2026 (Annexure R-1/C) passed by Principal Secretary (Urban Development) to the Government of Himachal Pradesh, the objections filed by the petitioners have been rejected and creation of Nagar Panchayat Swarghat, District Bilaspur was again notified vide final notification dated 25.02.2026 (Annexure P-11).

8. In the aforesaid background, the present petition has been filed assailing the final notification dated 25.02.2026 (Annexure P-11).

9. Respondents have defended the constitution of the Nagar Panchayat in reference, by submitting that the impugned notification was issued after fulfilling all legal formalities, by exercising the powers conferred upon them for better development and improved arrangements in the area in reference, after giving due



consideration to the objections raised by local inhabitants and to fulfill the long-standing demand of large number of people of the area.

10. This petition has been preferred mainly on the ground that the objections submitted by Gram Panchayats Kutehla and Manjhed have not been considered in right perspective and 90% of the population of the Panchayats, residing in villages, has been included forcibly in Nagar Panchayat Swarghat, which will cause loss to them in agriculture by debarring them from benefits of schemes meant for villages and compelling them to get building plans sanctioned for construction of houses and to pay taxes of the Nagar Panchayat. The inclusion of the areas of the petitioners in the Nagar Panchayat is against the 'will' of the general public and is wrong, illegal, and arbitrary, and the consent of the residents of the concerned Panchayats has not been taken. Rather, the notification has been issued purely on political motives, just to gain political mileage.

11. It has been further submitted that Secretary, Urban Development, has failed to consider the objections raised by the petitioners in right perspective. Rather, he has failed to respond to the objections of the petitioners in a proper manner.



12. It has been submitted by learned Advocate General that Nagar Panchayat Swarghat has been created for betterment of civil life in the area concerned, and, in view thereof, schemes such as MGNREGA, National Urban Livelihood Mission, Prime Minister Awas Yojna (Urban), SVANidhi Yojna, Swachh Bharat Mission (Urban), AMRUT, etc., will be applicable to the municipal area. It has been further submitted that Nagar Panchayat Swarghat qualifies the criteria for constitution of a Nagar Panchayat as mentioned in Section 3 of the Himachal Pradesh Municipal Act, 1994.

13. It has been further submitted that Nagar Panchayat Swarghat has Sub-Divisional Magistrate Office, Tehsil Office, Sub-Divisional Police Officer, IPH, PWD and HPSEB divisions, Government Rest Houses, private hotels, banks, Sub Post Office, Senior Secondary School, Veterinary Hospital, Forest Department Office, Block Development Office and other offices.

14. It has been further submitted that, as per the report of the Deputy Commissioner, Bilaspur, Nagar Panchayat Swarghat is undergoing urbanization at a rapid pace, and the proposal to bring the concerned area under the Nagar Panchayat was well surveyed before publishing notification dated 20.11.2024. It has been further submitted that customary rights of the inhabitants, as contained in Wazib-UI-Urz of the record of rights, have also been protected in the



impugned notification dated 25.02.2026 (Annexure P-11). It has been further submitted that no lawful activity is prohibited by inclusion of the area in Nagar Panchayat. It is further submitted that the objection regarding “the houses being situated at a considerable distance and the area presently lacking adequate urban infrastructure, making inclusion impractical,” rather than calling for exclusion, emphasizes the need to bring such transitional area within a municipal governance framework for planned provision of roads, sanitation, solid waste management, street lighting, water supply and other civic amenities through municipal planning and schemes.

15. Respondents have also produced record indicating that Deputy Commissioner, Bilaspur, through its field staff, had conducted a survey with regard to population of the area in reference, revenue being generated for local administration, and other factors, including requirement of creation of a Nagar Panchayat for better development of the area as well as the general public.

16. From the material on record, it appears that population of area in reference, which has been considered as a transitional area by the respondents, is exceeding two thousand and annual revenue being generated is exceeding Rs.5,00,000/- for the local administration. From the quantum of income, being generated from



taxes, shop rents etc. and existence of large number of institutions, it is apparent that having regard to population of area, density of population therein, revenue generated for local administration, percentage of employment in non-agricultural activities and economic importance etc., available on record, there is no arbitrariness, illegality and violation of Articles 14 and 243 of the Constitution of India.

17. We are of the considered opinion that for the material on record, there is no scope of interference in the final notification dated 25.02.2026 (Annexure P-11), issued for constitution of Nagar Panchayat, Swarghat, District Bilaspur and, accordingly, petition is dismissed, along with pending applications, if any.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge.

6th April, 2026
(Pardeep)