



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3711 of 2026

Reserved on: 02.04.2026

Date of decision: 06.04.2026

Suman Lata.

...Petitioner.

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 petitioner : Mr. Parav Sharma, Ms. Vishali Lakhanpal
and Mr. Shekhar Badola, Advocates.

For the respondent(s) : Mr. Anup Rattan, Advocate General with
Mr. Raj Negi, Deputy Advocate General.

Vivek Singh Thakur, Judge

By way of the present petition under Article 226 of the Constitution of India, petitioner has assailed impugned order dated 09.02.2026 (Annexure P-8) passed by Principal Secretary (Urban Development) to the Government of Himachal Pradesh and notification dated 25.02.2026 (Annexure P-10) for inclusion of Village Saletar of Gram Panchayat Amb Pathiar in proposed Municipal Council Jawalamukhi, issued by respondents, alleging the same to be arbitrary, illegal, and violative of Part-III 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 second round of litigation. The respondents had notified proposal for converting Nagar Panchayat Jawalamukhi into Municipal Council by including Village Saletar of Gram Panchayat Amb Pathiar vide notification dated 23.11.2024 (Annexure P-1), inviting objections from affected persons through Deputy Commissioner, Kangra, within a period of two weeks.

3. Petitioner had filed objections against inclusion of Village Saletar of Gram Panchayat Amb Pathiar in the proposed Municipal Council, Jawalamukhi, on the ground that majority of residents of the area are dependent upon agriculture and, after inclusion in the Municipal Council, the farmers will suffer adverse effects. The local circumstances and realities have been overlooked, and the economic conditions and activities of the rural area have been ignored. The office-bearers of the Panchayat and local residents were not consulted, and the decision was taken without consent of the community. The inclusion of the concerned area in the Municipal Council shall result in burden on the rural population, and they will be subjected to a complicated administrative system, leading to problems for the rural population. Such inclusion shall also have adverse impact on the economic condition of the villagers and small entrepreneurs, and the area will lose its cultural identity due to threat to local traditions and lifestyle.

4. Vide notification dated 23.12.2024 (Annexure P-4), Department of Urban Development, Government of Himachal Pradesh,



after receiving objections from inhabitants of the local areas, constituted Municipal Council Jawalamukhi.

5. The aforesaid notification was assailed by the petitioner by filing **CWP No.6313 of 2025 (Suman Lata vs. State of Himachal Pradesh & Ors.)**, which was decided on 18.12.2025 (Annexure P-6) by quashing and setting aside the notification dated 23.12.2024 (Annexure P-4), with directions to Secretary, Urban Development, to consider the objections of the petitioner and to take 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 personal hearing to the petitioner.

6. In sequel to aforesaid order, the objections filed by the petitioner were considered and decided by Principal Secretary (Urban Development) to Government of Himachal Pradesh, vide office order dated 09.02.2026 (Annexure P-8), after giving personal hearing to the petitioner, whereby the objections filed by the petitioner have been rejected and fresh final notification dated 25.02.2026 (Annexure P-10) for constitution of Municipal Council Jawalamukhi with inclusion of village Saletar has again been issued.

7. In the aforesaid background, present petition has been filed assailing impugned order dated 09.02.2026 (Annexure P-8) and notification dated 25.02.2026 (Annexure P-10).



8. 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.

9. It has been submitted by learned counsel for the petitioner that inclusion of Village Saletar of Gram Panchayat Amb Pathiar in Municipal Council Jawalamukhi will not give any financial benefit to the Municipal Council, as no industrial unit, petrol pump, showroom, hospital, guest house, etc., is located in said village. Whereas about 500 families residing in the said village are going to be put to undue financial hardship due to loss of benefits of MGNREGA, agricultural financial aid, and other incentives and subsidies available to rural areas. It has been further submitted that Nagar Panchayat Jawalamukhi has already failed to provide basic facilities to its inhabitants and lakhs of pilgrims visiting Jawalamukhi Temple, and for a population of about 7,000 in the Nagar Panchayat, there are only 4 toilets, out of which only 3 are functional, there is no shopping complex, and no solid waste disposal plant is available in Nagar Panchayat Jawalamukhi, and the entire waste collected is thrown on a hill adjacent to Jawalamukhi Temple. The extension of the area of the Municipal



Council is likely to aggravate the problems of the inhabitants, including the residents of Village Saletar.

10. It is further submitted that 85% of farmers belong to poor class and depend upon Government subsidies, and there is no scope for any development in the area, as the Panchayat already has basic infrastructure such as village roads, toilets, and solar lights. It has been further submitted that certain areas where a large number of hotels, guest houses, and hospital etc. are situated, have not been included in the Municipal Council, and inclusion of the said village will have an adverse financial impact on the villagers.

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

12. Petitioner has also contended that inclusion of Village Saletar of Gram Panchayat Amb Pathiar in the Municipal Council after issuance of notification dated 17.11.2025 (Annexure P-9) by the State Election Commission is not permissible under law.

13. It is a matter of fact that, in the months of January and February, the HP State Election Commission has granted relaxation to the State for creation, bifurcation, reorganization, and delimitation of



Panchayati Raj Institutions as well as Urban Local Bodies, therefore, this plea is not sustainable.

14. The objections of the petitioner have been considered and decided by Principal Secretary (Urban Development), Government of Himachal Pradesh, vide order dated 09.02.2026 (Annexure P-8), relevant portion of which reads as under:-

“AND WHEREAS, the matter was placed before the State Government, which considered the objections and the recommendations/comments of the Director, Urban Development. The State Government, after giving thoughtful consideration to the entire record of the case and after going through the oral and written objections, is of the considered opinion that the objections are largely apprehensive and general in nature, are founded substantially on anticipated consequences, and do not disclose any statutory infirmity, jurisdictional defect, or legal impediment under the Himachal Pradesh Municipal Act, 1994 so as to warrant exclusion at this stage. The inclusion for municipal governance is guided by statutory parameters, administrative feasibility, and the requirement of contiguity and continuity for effective municipal administration and integrated urban planning; and the record (including field inputs) supports the view that the municipal boundary as proposed after exclusion of substantial portions-meets these governance considerations extent of urbanization both present and future. Agriculture, horticulture, and lawful animal husbandry are not prohibited merely by inclusion in a municipal area; therefore, the predominance of agricultural/rain-fed land or dependence on rural livelihoods, without pointing out any violation of statutory requirements, cannot by itself constitute a valid ground to negate municipal inclusion. The plea regarding loss of rural schemes/subsidies is a consequential aspect of transition between rural and urban local body frameworks and cannot override statutory governance considerations. At the same time, it is noted that upon inclusion within the Municipal Council, the residents of the newly included areas become eligible, subject to fulfillment of prescribed norms, for various urban welfare and development schemes, inter alia, the National Urban Livelihoods Mission (NULM), Pradhan Mantri Awas Yojana (Urban), and other State/Centrally Sponsored Urban Development Schemes aimed at livelihood support, housing, basic services and infrastructure augmentation. In addition, the record notes mitigation measures including relaxation of property tax for an initial period of 03 years in newly included areas.”. The apprehensions regarding increase in taxes/fees and regulatory burden are general in nature and relate to policy implementation through lawful municipal processes; such apprehensions do not, by themselves, render the inclusion illegal. The allegations of non-consultation or procedural deficit stand duly cured through issuance



of notice, affording of personal hearing on 31.12.2025, taking written objections on record, consideration of field inputs, and receipt of reasoned recommendations, thereby satisfying the requirement of fair consideration as directed by the Hon'ble High Court. Gram Panchayat resolutions/representations reflect local sentiment and have been duly noticed; however, they do not operate as a statutory veto where inclusion otherwise satisfies statutory objectives and administrative feasibility. The allegations of arbitrariness or motive are unsupported by any objective material on record and cannot be accepted on conjecture. The absence of industries or infrastructure is not a statutory bar; rather, the need for regulated planning, civic services, sanitation, solid waste management, and service delivery reinforces the governance rationale for inclusion. Issues relating to building permissions, co-sharer documentation, or NOCs pertain to title/land/co-ownership matters governed by applicable land and building laws and, therefore, do not constitute a legal impediment to boundary inclusion. Concerns regarding identity, implementation, ward representation, or delimitation are consequential matters to be addressed through subsequent statutory and administrative processes and cannot be determinative at the boundary-inclusion stage. Further, substantial concerns already stood addressed by excluding large areas (Mohal Saletar, Darang, Suknal and Bareti) on the Deputy Commissioner's recommendations, which demonstrates due application of mind to field realities and objections while ensuring contiguity and administrative effectiveness in the remaining included areas."

15. Referring the aforesaid response of the Principal Secretary, Urban Development, learned Advocate General has submitted that each and every objection has been responded by the concerned authority and perusal of the response clearly indicates that apprehensions and fear expressed on behalf of the petitioner of disadvantage to the residents of the concerned village(s) is unfounded.

16. Considering the submission made by learned counsel for the petitioner and learned Advocate General as well as material placed on record, we are of the considered opinion that there is no scope of interference in impugned order dated 09.02.2026 (Annexure P-8) passed by Principal Secretary (Urban Development) to the Government



of Himachal Pradesh and notification dated 25.02.2026 (Annexure P-10) for inclusion of Village Saletar of Gram Panchayat Amb Pathiar in proposed Municipal Council Jawalamukhi, issued by respondents and, accordingly, petition is dismissed, along with pending applications, if any.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge.

6th April, 2026
(Pardeep)