



IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 2769/2019 a/w connected matters

Decided on: 25.05.2026

1. CWP No. 2769/2019

Mahender Singh Chauhan ...Petitioner

Versus

State of H.P. & Ors.Respondents.

2. CWP No. 2933/2019

Kish Pal ...Petitioner

Versus

State of H.P. & Ors.Respondents.

3. CWP No. 2934/2019

Kamal Machhan ...Petitioner

Versus

State of H.P. & Ors.Respondents.

4. CWP No. 2936/2019

Parmod Sharma ...Petitioner

Versus

State of H.P. & Ors.Respondents.

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Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

**For the petitioner(s): Mr. Mohinder Verma, Advocate, in
all the petitions.**

¹ Whether reporters of the local papers may be allowed to see the judgment?



For the respondents: **Mr. Anup Rattan, Advocate General with Mr. Y.P.S. Dhaulta, Additional Advocate General, for the respondents in all the petitions.**

Jyotsna Rewal Dua, J.

CWP No. 2769/2019

Petitioner claims himself to be a tenant of the shop in question under the Municipal Council Rohru, District Shimla. As per the pleaded case of the petitioner, the shop in question was initially let out by Municipal Council Rohru to petitioner's father, Sh. Man Singh, on 30.03.2001 @ Rs.400/- per month. Petitioner's father passed away on 07.12.2007 and the shop thereafter came to be occupied by the petitioner. Learned counsel for the petitioner referred to Annexure P-12, a notice issued to the petitioner by respondent No.3-Sub Divisional Magistrate (Civil), Rohru, District Shimla. It appears that the petitioner was in arrears of rent amounting to Rs.72,400/- w.e.f. 31.05.2013 till 30.06.2019. The petitioner cleared a substantial amount of arrears, though with considerable delay and that too after several notices in this regard were issued to him by the respondents.

The petitioner, *inter alia*, feels aggrieved against Annexure P-12, whereby he has been asked to pay enhanced rent @ Rs.5,000/- per month by the respondents.



2. In the given background, the petitioner has prayed for grant of following substantive reliefs: -

“(i) That the respondents may be directed to produce total record of the case;

(ii) That in view of the submissions as made in detailed above, the impugned order Annexure P-12 whereby the enhanced rate of rent at the rate of Rs.5000/- per month has been claimed by the respondents may kindly be ordered to be set aside and quashed and necessary directions may kindly be issued to the respondents to fix the rent of the shop in question at reasonable rate.

(iii) That the notice dated 07.09.2019 vide Annexure P-15 issued under sub section (1) of Section 4 of the H.P. Public Premises and land (Eviction and Rent Recovery) Act, 1971 may kindly be quashed and set aside.”

3. It is not in dispute that the petitioner has been issued notice under Section 4(1) of the H.P. Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (the Act, in short) by the respondents on 07.09.2019 (Annexure P-15). Reply filed by the respondents is to the effect that the proceedings initiated against the petitioner under the Act are still underway. The petitioner has been alleged to be in unauthorized occupation and possession of the premises in question. The petitioner is participating in the aforesaid proceedings, which are stated to be presently at the stage of recording of evidence.



4. Learned counsel for the petitioner admitted the factum of pendency of the proceedings initiated against the petitioner under the Act.

Given above, present petition would be premature at this stage as the petitioner is already facing eviction proceedings under Section 4 of the Act before the Court of competent jurisdiction. It is for the petitioner to contest the proceedings, in accordance with law, and to avail appropriate remedy, in case he feels aggrieved by the consequent decision in the said proceedings.

With the above observations, the present petition stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

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5. Learned counsel for the petitioners submitted that, save and except some difference in the amount of arrears involved in these writ petitions, the issue otherwise raised in these petitions is common to the one involved in CWP No.2769/2019 (***Mahender Singh Chauhan Vs State of H.P. & Ors.***). It has further been submitted that, in these petitions also, eviction proceedings have been initiated against the petitioners and the same are still pending before the Court of competent jurisdiction.

In view of the above submissions made by learned counsel for the petitioners, these writ petitions are disposed of in



terms of the observations made in CWP No.2769/2019. Ordered accordingly. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

25th May, 2026_(rohit)