

Item No. D-20

**Court on its own motion Vs. State of HP
& others**

CWPIL No. 35 of 2021

05.05.2026. Present: Court on its own motion.

Ms. Priyanka Chauhan, Deputy Advocate General, for respondents No. 1 to 3 & 5-State.

Ms. Shreya Chauhan, Advocate, for respondent No. 4.

Mr. Amar Vivek Aggarwal and Ms. Sanchi Bindra, Advocates (through V.C.) with Mr. Gaurav Thakur, Advocate for Mr. Rajesh K. Parmar, Advocate, for respondent No. 6.

CMP No. 24612 of 2025

Learned Counsel for the State has placed on record communication dated 04.05.2026 to submit that the balance fund of Rs.9.15 crores has been provided and released, the work of Girls Hostel has been successfully completed and the building has been handed over to the concerned University for its use. Thus, the issue regarding non-release of funds and stoppage of construction stands resolved.

2. However, a perusal of the earlier order dated 16.05.2025 would go on to show that two issues i.e. the issue regarding the grant of forest clearance for allotment of additional land and regarding providing of funds for conversion of the said alternative allotted land for the use of the hostel, still remains pending.

3. Since the issue regarding grant of forest clearance for allotment of additional land of 25 bighas is still to be taken to its logical end since the earlier boys hostel has come under the debris on account of

construction carried out on the highway over such hostel and the said building has been rendered defunct, as has been noticed in our order dated 16.05.2025, let the State provide latest status regarding the forest clearance and also regarding the deposit of necessary funds for the conversion of the said forest land, since the land and building of the University has come under the debris which cannot now be utilized and the State is under obligation for providing the necessary funds accordingly.

4. The necessary affidavit of the Deputy Commissioner, Shimla dated 06.11.2025 has also been filed, wherein it has been mentioned that as per the report of the Executive Engineer, the damage caused to the hostel building is to the extent of 3.50 crores approximately. Though, justification is sought to have been made in the affidavit that it is not the fault of the NHAI for the land slide, which had occurred on 13.09.2021.

5. A perusal of the affidavit would also go on to show that the road had been handed over to the NHAI in the year 2018. It has come on record that for the 115 meters stretch from Km 18/500 to Km 18/615 where the landslide had taken place at Ghandal, the work had been done by M/s Punia Construction Company.

6. Therefore, we are of the considered opinion that *prima-facie* it would be the NHAI to compensate the University for the damage caused to the Boys Hostel.

7. Learned Counsel for the NHA prays for time to file objections/counter regarding fixing of the liability for the damage caused to the Boys Hostel.

8. Learned Counsel for respondent No. 6-University shall place on record the photographs as such showing the condition of the Boys Hostel buried under the debris for the assistance of the Court.

List on **22.06.2026**.

(G.S. Sandhawalia)
Chief Justice.

(Bipin C. Negi)
Judge

May 05, 2026
(hemlata)