

Court on its own motion Versus State of Himachal Pradesh & ors.

CWPIL No.44 of 2024

[Item D-10]
03.06.2025

Present: Mr. Mukul Sood, Advocate as Amicus Curiae.

Mr. Rakesh Dhaulta, Additional Advocate
General, for respondents No.1 to 5-State.

Ms. Ranjana Chauhan, Advocate vice Mr. Ajay
Kumar Chauhan, Advocate, for respondent No.6.

Affidavit in terms of order passed on 8th April, 2025, on behalf of respondent No.6, is stated to have been filed in the office. Learned Amicus Curiae submits that he has received advance copy of the affidavit. Office to trace and place the same on record, after removal of objection(s), if any.

After going through the copy of reply-affidavit, it transpires that show cause notice was issued to Ms. Vandana on 2.12.2024 to stop the construction work by Municipal Corporation, Palampur, followed by the notice dated 5.12.2025 in which it has been mentioned that unauthorized construction has been done in Khata No.78 Khatauni No.125 Kita 17 Mohal Palampur Upper, Tehsil Palampur, distt. Palampur, H.P. and violations as such of the Himachal Pradesh Town and Country Planning Act have been made.

The affidavit further mentions that the said occupant has applied in Form 26 for composition of offence under Section 39-C read with sub-Section 3 of Section 39 of the Himachal Pradesh Town and Country Planning Act, 1977.

Accordingly we implead Smt. Vandna, W/o Sh. Rajinder Kumar, R/O Palampur Khas, Ward No.3, Tehsil Palampur, District Kangra as respondent No.7. Office to make necessary corrections. Let notice to the newly added respondent No.7 be issued returnable for 16.7.2025.

Municipal Corporation, Palampur shall also file its better affidavit regarding the complaint, which is received from Sh.Suresh Kumar Chaudhary, District and Sessions judge (Retd.) on 1st March, 2025.

Let the survey be also conducted by both respondents No.5 and 6 regarding constructions which are being raised in low lying areas, riverbeds and near to Khad Mol and Bhiral and the said constructions be identified which are in violation of the norms as such and the notification dated 5.8.2024 wherein construction shall be allowed at distance of 5.00 metre and 7.00 metre from Nallah and Khud respectively, as per Regulation 16.

Let survey be done near to Neugal, Bhiral and Mol Khad areas in Palampur, which are stated to be major tributaries of the Beas. If the authorities find that there is a blatant violation as such of the said Regulations, it is expected that they shall issue stop construction notices to the concerned occupants, and take action in accordance with law.

List on **16.07.2025**.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

June 3, 2025
(mamta/Chiranjeev)