

**Avtar Singh & Anr. Vs. State of H.P. & Anr.**

**CWP No. 14232 of 2025**

08.09.2025      *Present:*      Mr. Aman Bahri, Mr. Bawa Karanveer Singh & Ms. Vidushi Sharma, Advocates, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Yashwardhan Chauhan, Senior Additional Advocate General, for the respondents/State.

***CWP No. 14232 of 2025***

On previous date, learned Advocate General had submitted that the issue involved in present matter already stands settled upto the Apex Court and, therefore, this petition is not maintainable and, as prayed by him, a week's time was granted to the respondents/State to place on record necessary information to substantiate the plea taken by learned Advocate General.

Today, learned Advocate General has placed on record instructions dated 07.09.2025, issued under the signatures of Director, Town and Country Planning Department, Himachal Pradesh, Shimla-9, referring therein order and judgment dated 28.07.2025 of the Apex Court, passed in Special Leave to Appeal (C ) No. 19426 of 2025, titled as *M/s. Pristine Hotels & Resorts Pvt. Ltd. Vs. State of Himachal Pradesh & Ors.*, whereby judgment dated 02.07.2025, passed by Division Bench of this High Court in CWP No. 10506 of 2025,

titled as *M/s. Pristine Hotels & Resorts Pvt. Ltd. Vs. State of Himachal Pradesh & Anr.*, has been upheld.

No other document or material has been placed on record.

In CWP No. 10506 of 2025, the petitioner, a total stranger yet to be granted permission under Section 118 of H.P. Tenancy & Land Reforms Act to buy the land, had assailed the impugned notification dated 06.06.2025 which has also been assailed in the present petition. After taking into consideration, material on record, that petition was dismissed in following terms:-

“9. As observed above, the petitioner does not possess the requisite locus standi, as he is not a person aggrieved, as it is settled law that a ‘person aggrieved’ does not really mean a person, who is disappointed of a benefit, which he might have received in some other order had been made. A ‘person aggrieved’ must be a man who has suffered a legal grievance. ‘Locus’ is generally accepted as the right of filing an action on the ground of deprivation of a legal right or sustaining injury on a legally-protected interest. Locus standi is also satisfied when it is shown that a decision has affected the petitioner’s title to something or where the petitioner has been subjected to a legal wrong.

10. Since the petitioner has not acquired any interest within the State of Himachal Pradesh and his rights are not in any manner affected nor even governed much less by the provisions of the Town & Country Planning Act or the notification dated 06.06.2025, obviously, the petitioner does not have the locus standi to file the writ petition as a ‘person aggrieved’ or otherwise.

11. Accordingly, the present petition is dismissed in limini, so also pending applications, if any.”

Vide judgment dated 28.07.2025, passed by the Apex Court in SLP ( C) No. 19426 of 2025, the aforesaid judgment passed in CWP No. 10506 of 2025 has been upheld.

However, keeping in view and considering the larger interest of the State of Himachal Pradesh and its inhabitants, notices have been issued to the State of Himachal Pradesh with observation, that issue is of an urgent necessity and adequate steps have to be taken at the earliest in the right direction, for the limited purpose, to file an appropriate reply explaining whether they have any action plan to meet with the issues which have been discussed in the judgment passed by the Apex Court and what do they propose to do in future.

In the present petition, petitioners are owners of the land situated in the area, subject matter of notification issued on 06.06.2025. They have raised certain objections regarding the validity of the notice dated 03.02.2025, issued under Section 19 of H.P. Town and Country Planning Act, 1997 and have also prayed for quashing and setting aside the notification dated 06.06.2025 on various grounds taken in the writ petition with alternative prayer to issue mandamus directing the State of Himachal Pradesh and to invite objections from the petitioners prior to modifying the plan submitted by the Director, Town and Country Planning

Department, Himachal Pradesh to accept the draft amendment plan submitted by Director, Town and Country Planning Department, Himachal Pradesh by excluding the land of the petitioners from the green area boundary.

Challenge to the notification dated 06.06.2025, appears to be to the extent that it includes the land of the petitioners in the green area.

From the aforesaid facts and circumstances and the material placed before us, we are of the considered opinion that certain issues are required to be adjudicated on merit and the objection raised with respect to the maintainability of the present writ petition by referring judgment dated 02.07.2025 passed in CWP No. 10506 of 2025 and judgment dated 28.07.2025, passed in Special Leave to Appeal (C ) No. 19426 of 2025, titled *M/s. Pristine Hotels & Resorts Pvt. Ltd. Vs. State of Himachal Pradesh & Ors.* is misconceived.

Learned Advocate General further submits that in case Court directs, then respondents/State shall file reply.

It is for the respondents/State to decide as to whether reply to the petition has to be filed or not. In case, respondents/State desire to file reply, they can file reply to the petition within three weeks, positively.

List the matter for further orders on **07.10.2025**.

***CMP No. 21529 of 2025***

Notice in aforesaid terms.

List the matter for consideration alongwith main  
petition on the next date of hearing.

**(Vivek Singh Thakur)**  
**Judge**

**(Sushil Kukreja)**  
**Judge**

**08<sup>th</sup> September, 2025**  
**(Shamsh Tabrez)**