

Court on its own motion Vs. State of Himachal Pradesh and Others.

Item No. (D-24)

CWPIL No.110 of 2024

21.04.2026

Present: Court on its own motion.

Mr. Sidharth Jalta, Deputy Advocate General,
for respondents No.1 to 3-State.

Mr. Balram Sharma, Deputy Solicitor General
of India with Mr. Rajeev Sharma, Advocate,
for respondent No.4.

In pursuance of the earlier order dated 18.11.2025, the report of the District Legal Services Authority (DLSA) would go on to show that the State undertook repairs of the highway and certain photographs placed at Sr. No.17 and 18 did not relate as such to the Shimla-Theog road, but the maximum portion of the road has been repaired. However, a stretch of approximately 2-3 kilometers (near Fagu) has not been repaired and the unrepaired portion of the road is in poor condition, with multiple potholes and reduced maneuverability.

2. It has also been mentioned that the repaired portions have improved the road conditions, but, due to the delay in undertaking repairs, the lower layers of the road appear to have eroded, which may limit the durability of the recent repair work. Recommendations have been made for complete reconstruction of the road from Shimla to Theog to ensure a more durable surface and smoother movement for the general public. The report was made in

the presence of the Superintending Engineer, NH Circule and Executive Engineer, HPPWD, NH, Division, Theog.

3. Affidavit dated 02.01.2026 of the Executive Engineer, Regional Office, Ministry of Road Transport & Highways, Government of India, Shimla, Himachal Pradesh would go on to show that the sanction from the Competent Authority, New Delhi would be done only on receipt from the State PWD. The State has sought to justify that the sanction has now been sent in March, 2026. It has also been mentioned that another estimate submitted by the State PWD on 'Special Repair on Theog-Kotkhai-Hatkoti road on NH 705 from km 0/00 to km 69/00 (Proection work, Cross drainage work) was scrutinized and the compliance of certain observations was sought for approval of the Competent Authority, New Delhi. Thus, it is the stand as such of the Union of India that it has been making all efforts to restore the highways to a safe and serviceable condition due to the prolonged monsoon season of 2025 but the response from the State authorities is lackadaisical.

4. On an earlier occasion, a cost of Rs.10,000/- had been imposed upon the Superintending Engineer on account of the fact that he could not depict the correct picture before the Court which has been duly deposited.

5. We are of the considered opinion that we should further expand the scope of this CWPII as we are further informed that the road from Theog to Narkanda is even in a worst shape than the stretch from Dhalli to Theog. In such circumstances, we have no option but to summon the Engineer-in-Chief, PWD as on earlier occasion, it has already been noticed that the highway in question leading from Shimla to Narkanda and to Rampur is one of the important highways of the State and the apple belt as such is also dependent upon the said highway apart from the fact that the highway also further connects to Kinnaur and to the border area of Chitkul-Shipki La Pass.

6. The connectivity on the said highways thus is of paramount consideration and it is the duty of the State to provide proper infrastructure. The road in question has become a dirt track on account of the potholes and the defence taken that on account of two heavy monsoons, the State has not been able to cope up with the repairs is not liable to be accepted. It is the duty of the State to provide the basic infrastructure and the resultant bad condition of the road not only is leading to wear and tear of private and commercial vehicles including the buses of the Himachal Roadways Transport Corporation (HRTC) which is a State owned Transport Corporation which is running in

losses also apart from creating environmental hazards of people living alongwith the highways and also the fact that the dust as such is polluting the atmosphere.

7. It is in such circumstances the Engineer-in-Chief, PWD and Chief Engineer (NHAI) shall come present to give a road-map as to within what period the road from Dhalli to Narkanda shall be put back in shape considering further that the tourist season is also round the corner and whether the State is wanting to present its positive face and promote tourism which is one of its primary revenue earning Department.

8. Accordingly, let status report be also filed as to what proposals have been sent to the Union of India who is willing to sponsor the share but on account of the inactivity as such on the part of the State authorities the response as such is missing.

9. Office is directed to supply the last copy of the DLSA report to the opposite counsel for the parties.

10. Accordingly, the proceedings are deferred for **21.05.2026.**

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

21st April, 2026
(Munish Thakur)