

Item No. D-7

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

CWPIL No. 110 of 2024

10.07.2025

Present: Court on its own motion.

Mr. Gobind Korla, Additional Advocate General, for the respondents-State.

Mr. Shiv Vardan, Assistant Engineer, Sub Division, HP PWD NH-Kharapather, is present in person.

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

Reply on behalf of respondents No. 1 & 2

has been filed, which is supported by the affidavit of the Superintending Engineer, National Highway, HP PWD Circle, Shimla, H.P., wherein it has been admitted that the drains of the side of the road have been blocked over the years as the debris have fallen on account of the landslides and retaining walls have also been damaged. The estimate in respect of the damage has been submitted to the Ministry of Road Transport and Highways, Government of India, New Delhi for sanction and in few cases, sanction from the Ministry has also been obtained and the work on the sites for restoration of the damage, retaining walls and breast walls has been initiated. Details of such work have been given in Para-1 under Tables (A) and (B), of the reply. It has further been mentioned that the

estimates are being prepared for other portions and routine work of cleaning of the drainage system is also being done from time to time and temporary drainage system has been put in place.

2. We are not satisfied with the affidavit filed on behalf of respondents No. 1 & 2, as it does not give the exact detail as to where, there is blockage as such and where the work is going on and for which portion of the road, the sanction has been granted and for which portion, the sanction has been sought.

3. A perusal of the communication received, on the basis of which, this PIL has been initiated, would go on to show that the initial grouse was regarding the difficulty being faced from Theog to Hatkoti and from Hatokoti to Rohru. It also refers that from Theog to Shimla also, the same difficulty is being faced regarding the drains and the outflow of water on the metalled road.

4. Resultantly, better affidavit be filed specifying that whose responsibility is to maintain which portion of the road.

5. Accordingly, we implead the Ministry of Road Transport and Highways, Government of India, New Delhi through its Secretary as respondent No. 4 in the petition. Office to make necessary corrections in the memo of parties.

6. Issue notice to the newly added respondent No. 4. Mr. Rajeev Sharma, Advocate, accepts notice for the said respondent.

List on **07.08.2025.**

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

July 10, 2025
(hemlata)