

**Court on its own motion versus State of
H.P. and others**

CWPIL No.110 of 2024

Item No.D-28

11.09.2025 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 [Senior Advocate] with Mr. Rajeev Sharma, Advocate, for respondent No.4.

Reply dated 09.07.2025 submitted by Superintending Engineer, NH Circle, HPPWD, Shimla has categorically mentioned that the estimate in respect of damage to the retaining wall has been submitted to the Ministry of Road Transport and Highways, Government of India and sanction has been obtained in few cases by giving the details. It has further been mentioned that there are certain observations made by the Ministry of Road Transport and Highways and estimate has been prepared and the same shall be submitted to the Ministry for sanction of funds. The cleaning of the drainage system alongside the

road shall also be carried out. The averment even made in the better affidavit dated 29.08.2025 that the road from Theog to Shimla is found in good conditions, in our considered opinion is not a correct position.

2. However, reply filed by respondent No. 4-Executive Engineer-Ministry of Road Transport & Highways, Government of India is contrary to that there is no estimate pending with the Ministry for approval. It has further been mentioned that Ministry has issued sanction for maintenance works under Short Term Maintenance Contract (STMC) as per submission by the State PWD. The State PWD has submitted that the routine cleaning of drainage system is also done before and during monsoon to avoid blockade of drains and ensure drainage of rainwater.

3. Keeping in view the contradictions involved, as such, let Engineer-in-Chief, HPPWD, Shimla and Superintending Engineer, NH Circle, HPPWD, Shimla, come forth and file specific affidavits. Resultantly, we direct Secretary

District Legal Services Authority, Shimla to file report regarding the condition of the road from Theog to Shimla along with photographs so that the correct picture come on record.

4. List the matter on **14th October, 2025.**

(G.S. Sandhawalia)
Chief Justice

11th September, 2025
(himani/Bhardwaj]

(Ranjan Sharma)
Judge