
(2011) 09 SHI CK 0113
In the High Court Of Himachal Pradesh
Case No : CWPIL No. 10 of 2007

Court on its own motion

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0113

Hon'ble Judges : Sanjay Karol, J;Deepak Gupta, J

Bench : Division Bench

Judgement

Deepak Gupta, J.—This petition was registered by this Court on its own motion as a Public Interest Writ Petition, on the basis of a news item, which showed that Respondent No. 6 had raised huge retaining wall around its building without any legal permission. During the course of the petition, Respondent No. 6 has filed an application before the Municipal Corporation Authorities for sanction/compounding of the construction of the wall, which application is stated to be pending.

2. During the pendency of the petition, at the instance of the Court, Respondent No. 6 has taken steps to reduce the damage caused by the huge wall and has planted a number of trees and other plants in the area in question and in addition thereto, has also undertaken to carry out the afforestation work near the St. Bede's Chowk. We are of the opinion that the demolition of the wall at this stage will serve no purpose, because if the wall is demolished it will cause more damage to the trees and the environment.

3. Keeping in view the developments, which have taken place during the petition, we do not feel that any purpose will be served in further continuing with this case. We, therefore, dispose of the petition with a direction to the Municipal Corporation Authorities to decide the case of Respondent No. 6 for regularization/compounding, in accordance with law. While closing this matter, we have taken note of the fact that Respondent No. 6 is a religious organization. However, we would like to make it clear that in future Respondent No. 6 should ensure that

any construction raised by it is carried out, only after obtaining due permission and in case, any unauthorised construction comes to the notice of this Court in future, the same shall not be permitted to be compounded, under any circumstances.

4. The petition is disposed of accordingly. No costs.