
(2014) 07 SHI CK 0125
In the High Court Of Himachal Pradesh
Case No : CWP No. 2203 of 2013-A

Kanthi Ram Sharma

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 07-07-2014

Acts Referred:

Citation : (2014) 07 SHI CK 0125

Hon'ble Judges : Mansoor Ahmad Mir, C.J.; Tarlok Singh Chauhan, J

Bench : Division Bench

Advocate : Karan Singh Kanwar, Advocate for the Appellant; Shrawan Dogra, Advocate General, Romesh Verma, V.S. Chauhan, Additional Advocate Generals, J.K. Verma, Kush Sharma, Deputy Advocate Generals, P.S. Goverdhan, Advocate and Adarsh K. Vashista, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Mansoor Ahmad Mir, C.J.—By the medium of the present writ petition, the petitioner has sought writ of mandamus, commanding the respondents No. 1 to 6 to carry out the construction work of additional room of the Panchayat Ghar on Khasra No. 1344 in Magoniya on the land gifted by the petitioners and further commanding them to stop the construction work of additional room of Panchayat Ghar at Shadar, on the grounds taken in the memo of petition.

2. The respondents have filed reply to the writ petition, wherein they have averred that they have examined the matter, came to the conclusion that the said room is to be constructed at Shadar, place near the existing Panchayat Ghar of Ranfua Jabrog after taking the expert opinion and the said decision was made in terms of the resolutions vide Annexures R-1 to 14 and Annexure 16 & 17, the details of which have been given in para 3 of the reply.

3. We have gone through the detailed reply filed by the respondent-State. We are of the considered view that the State has taken a conscious decision to raise construction at Shadar, which cannot be questioned by the petitioners. It is the

domain of the respondents-State to take decision to raise construction and to approve site(s), in terms of the demand of the public read with the feasibility and other parameters.

4. This Court has also held in CWP No. 621 of 2014, titled as Nand Lal & another versus State of H.P. & others and CWP No. 7115 of 2013, titled as Sher Singh versus State of H.P. & others, that the decision of the Government cannot be questioned by the petitioner, unless it is arbitrary, malafide or based on other consideration.

5. At this stage, learned Counsel for the petitioner stated at the Bar that respondents be directed to hand over the land donated by the writ petitioner for raising the said construction.

6. Mr. Romesh Verma, learned Additional Advocate General stated at the Bar that respondent No. 6 has to take decision.

7. Respondent No. 6 is directed to hand over the said land to the person from whom the possession has been taken, within two weeks from today.

8. Accordingly, the writ petition is disposed of alongwith all pending applications, as indicated above.