

**(2020) 11 SHI CK 0229**

**In the High Court Of Himachal Pradesh**

**Case No : Civil Writ Petition No. 5450 Of 2020**

M/s Shiva Medical Hall

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

**Date of Decision : 27-11-2020**

**Acts Referred:**

**Citation : (2020) 11 SHI CK 0229**

**Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J**

**Bench : Division Bench**

**Advocate : K.D. Shreedhar, Shreya Chauhan, Ashok Sharma, Ajay Vaidya, Ritta Goswami, Nand Lal Thakur**

**Final Decision : Disposed Of**

## **Judgement**

L. Narayana Swamy, CJ

1. The present writ petition has been preferred with the following prayer(s):-

i) The respondents be directed to forcibly evict the private respondent from the chemist shop at Room No.104, ART Centre, Dr.

RPGMC Tanda since he being in unauthorized and illegal possession of the same.

ii) The respondents be further directed to hand over the physical possession of the said shop to the petitioner since being the successful bidder in the

tender process for the chemist shop and be further allowed to run the said shop at RPGMC & Hospital henceforth for a period of three years.

iii) The respondents be directed to recover the monthly rent @ Rs.3,53,111/- plus service tax as arrear of land revenue from the private

respondent w.e.f. 16.06.2014 i.e. when the tenure of tenancy of the petitioner was to commence;

iv) The respondents be directed to compensate the petitioner for the loss of

income incurred by him for over six years since 16.06.2014;

v) The respondents be restrained from issuing any new tender notice for renting out the said shop at RPGMC & Hospital Tanda.â??

2. Mr. Ashok Sharma, learned Advocate General, submits that the issue in dispute is under consideration before the Divisional Commissioner, Kangra

Division at Dharamshala and he prays that the said authority may be directed to decide the same, which is pending adjudication in Case No.140/2015,

titled Harish Pathania versus Medical Superintendent-cum- Member Secretary, Rogi Kalyan Samiti Dr. RPMC and Hospital Kangra at Tanda, within

a time bound manner.

3. In view of the submissions made by learned Advocate General, we deem it proper to dispose of the present writ petition with a direction to the

Divisional Commissioner, Kangra Division at Dharamshala, to decide the aforesaid pending case, in accordance with law, positively within a period of

three weeks from today.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.