
(2017) 03 SHI CK 0037
In the High Court Of Himachal Pradesh
Case No : 1489 of 2016

Prem Singh Chauhan

APPELLANT

Vs

The State of H.P. and others

RESPONDENT

Date of Decision : 29-03-2017

Acts Referred:

Citation : (2017) 03 SHI CK 0037

Hon'ble Judges : Mansoor Ahmad Mir, Sandeep Sharma

Bench : Division Bench

Advocate : O.P. Sharma, Naveen K. Dass, Shrawan Dogra, Anup Rattan, Romesh Verma, Rupinder Singh, J.K. Verma

Final Decision : Dismissed

Judgement

1. Petitioner, who claims himself to be the Vice President, Gram Panchayat Koti Padhog, Tehsil Rajgarh, District Sirmaur, Himachal Pradesh, being aggrieved with the issuance of Notification dated 11.2.2014 (Annexure P-1), wherein, headquarters of newly created Sub Tehsil Pajhota has been shown to be at Nohri, approached this Court by way of instant writ petition, praying therein for quashing and setting aside Annexure P-1 i.e. Notification, with further prayer to issue directions to the respondents to station the headquarters of newly created Sub- Tehsil, Pajhota at Salech/Chandol.

2. As per petitioner, prior to Notification dated 11.2.2014, office/Court of Naib Tehsildar was functioning at Village Chandol, as is evident from Annexures P-2 and P-3. Petitioner further claims that the office of Kanungo is already at Village Salech for the last 25 years and there is sufficient land available between Salech and Chandol, for the construction of office/residences and parking place and stationing headquarters of newly created Sub-Tehsil, Pajhota at Salech or Chandol.

3. In nutshell, case of the petitioner is that there is no sufficient accommodation available at Nohri for stationing headquarters of newly created Sub-Tehsil,

Pajhota, whereas, a PWD Rest House is situated at Village Chandol, Panchayat Headquarters is situated at Village Salech and Kanungo Circle is also working there for the last 25 years, as such, Villages Salech /Chandol are the most appropriate places for setting up headquarters of newly created Sub-Tehsil, Pajhota. As per petitioner, since Patwar Circle of eight Panchayats is easily accessible at Salech, villages of Pajhota Illaqua and Rasumandar passed resolution dated 19.2.2012, vide Annexure P-6 and specifically demanded therein that Sub Tehsil office may be opened near Gram Panchayat Kufar /Pajhota. Petitioner and residents of eight Panchayats also passed resolution, praying therein that headquarters of said Tehsil should be at Salech/Chandol, which is/ are on national highway and in all respects, convenient for the residents of that area. As per the petitioner, residents of the area have offered 2.5 Bigha of land as demanded by the respondents, through Tehsildar, Rajgarh and as such there is no justification in issuance of Notification, dated 11.2.2014, wherein a conscious decision has been taken by the authorities to open headquarters of newly created Sub-Tehsil, Pajhota at Nohri. In the aforesaid background, petitioner approached this Court, for issuance of direction to the respondents to station headquarters of newly created Sub-Tehsil, Pajhota at Salech/Chandol instead of Nohri.

4. Respondents, by way of a detailed reply, refuted aforesaid claim of the petitioner by stating that decision to set up headquarters at Nohri has been taken to provide better services to the concerned people of nearby villages and to have better administrative control. Government of Himachal Pradesh, vide Notification dated 11.2.2014, has created a new Sub Tehsil, Pajhota with its headquarters at Nohri consisting of eight Patwar Circles. Reply having been filed by the respondents also suggests that distance of Patwar Circles of newly created Sub Tehsil do not create any difference as Chandol is only 2 kms from Nohri and similarly, land measuring 2-00-00 Bigha has also been gifted by the local people of Nohri for the construction of Sub Tehsil building, and, land has been mutated in the name of Revenue Department. It further emerges from the reply that the Government has granted administrative approval and expenditure sanction amounting to Rs. 1,98,21,000/- for the construction of the office/residential building of Sub Tehsil Pajhota at Nohri. Respondents, while specifically denying the claim of the petitioner that injustice has been caused to the residents of eight Panchayats, stated that selection of site for Sub Tehsil Pajhota at Nohri was made keeping in view the demand of the local people and availability of land made by way of gift deed, dated 6.5.2016, in favour of the Revenue Department, for the construction of Sub Tehsil building. Para-4 of the reply further suggests that site of Sub Tehsil Nohri is well connected by road and site is easily accessible by road i.e. Solan-Dhamla road. Moreover, Naib Tehsildar has been posted at Nohri since 20.1.2016 and he is presently stationed at Nohri itself. Respondents have also stated that the distance between Chandol and Nohri is hardly 2 kms and, more particularly, there are Senior Secondary School, newly created Sub Tehsil office and Veterinary Hospital, besides Primary Health Centre, Ayurvedic Aushdhalaya,

Forest Chowki, UCO Bank, Patwar Khana and office of HIMFED at Dhamla, which is only 1 km from Sub Tehsil headquarter, Nohri. Respondents, while praying for dismissal of petition, also stated that no gift deed of land, as claimed by petitioner, was ever executed in the name of Revenue Department at Salech/ Chandol, whereas land at Nohri was made available by the residents of the area, vide gift deed No. 221 /2016 dated 6.5.2016 and land has been mutated in favour of the Revenue Department vide mutation No. 417 dated 27.5.2016.

5. Mr. O.P. Sharma, learned Senior Advocate duly assisted by Mr. Naveen K. Dass, Advocate, vehemently argued that Notification, dated 11.2.2014, (Annexure P-1) issued by the respondents is not in the interests of the residents of newly created Sub Tehsil, because, relevant factors have not been properly taken care of by the authorities concerned while deciding upon the headquarters of the Sub Tehsil at Nohri.

6. Mr. Shrawan Dogra, learned Advocate General duly assisted by Mr. Romesh Verma, learned Additional Advocate General, while inviting attention of this Court to their reply, specifically contended that Notification, dated 11.2.2014, has been issued by the authorities, in the interests of public at large, as such, there is no illegality, if any, in the same. While refuting the claim of the petitioner, Mr. Dogra strenuously argued that the distance of all Patwar Circles of newly created Sub Tehsil at Chandol is hardly 2 kms from Nohri and, decision to station headquarters of Sub Tehsil Pajhota at Nohri has been taken by the authorities for proper and better services to the people of area. Mr. Dogra further contended that the Government has already granted approval and expenditure sanction amounting to Rs.1,98,21,000/- for the construction of office of Sub Tehsil Pajhota at Nohri and at present, Naib Tehsildar has been posted at Nohri. Apart from above, Mr. Dogra contended that Notification, dated 11.2.2014, is a policy decision by the Government and petitioner has no right to lay challenge to the same, especially when it stands duly proved on record that policy decision is in the interests of public at large.

7. After having carefully gone through the record and hearing the submissions of the learned counsel representing the parties, this Court sees no merit in the present petition, rather this Court has no hesitation to conclude that instant writ petition is a sheer abuse of process of law. This Court was unable to lay its hands on any document available on record, suggestive of the fact that petitioner, who claims himself to be Vice President of Gram Panchayat, Koti Padhog, is authorized on behalf of general public to file instant petition. As such, present petition deserves to be dismissed on the ground of locus standi itself. Though, petitioner by way of placing on record certain resolutions passed by certain Associations of area including a few Panchayats, (Annexures P-5 to P-14) has attempted to demonstrate before this Court that residents of Pajhota area and Rasumandar Illaqua are against the issuance of Notification dated 11.2.2014, wherein a conscious decision has been taken to station headquarters of newly created Sub-Tehsil, Pajhota at Nohri, but, admittedly, no material, whatsoever,

has been placed on record in support of the contentions as raised in the petition, whereby it has been stated that facilities at Village Salech/Chandol are more than the facilities at Nohri, where headquarters of newly created Sub- Tehsil, Pajhota has been stationed/set up by the authorities. Perusal of reply having been filed by the respondents clearly suggests that decision to set up headquarter of newly created Sub-Tehsil, Pajhota at Nohri has been taken by the Government in the larger public interests. It also emerges from the documents available on record that site selected for newly created Sub Tehsil is well connected by road and is easily accessible. Moreover, Naib Tehsildar has been posted at Nohri, who is performing duties since 20.1.2016. Apart from above, it also emerges from the reply filed by the respondents that there are better facilities available at Nohri and it is hardly 2 kms away from Chandol, which is on the same road.

8. Leaving everything aside, it stands clearly established from the record that local people of Nohri area made available land measuring 2-00-00 Bigha to the authorities at Nohri for setting up headquarters of newly created Sub Tehsil, free of cost. This Court, after carefully examining the reply of the respondents, sees no force, much less to say substantial force in the arguments having been made by the learned counsel representing the petitioner that decision of respondents as reflected in Notification is not in the interests of general public. Apart from above, this Court sees no reason, more particularly, in light of material available on record to interfere in the policy decision taken by the Government, which otherwise appears to be in larger public interests.

9. Admittedly, the decision of the authorities in setting up headquarter of newly created Sub Tehsil Pajhota at Nohri is a policy decision, which is not open to judicial review. In this regard, it would be profitable to place reliance upon judgment passed by three Judges of the Hon"ble Supreme Court of India in Census Commissioner and others vs. R. Krishnamurthy, (2015) 2 SCC 796, wherein it was held that it is not within the domain of the Courts to embark upon enquiry as to whether a particular public policy is wise and acceptable or whether better policy could be evolved. Court can only interfere if the policy framed is absolutely capricious or not informed by reasons or totally arbitrary. It is held as under:

"23. The centripodal question that emanates for consideration is whether the High Court could have issued such a mandamus commanding the appellant to carry out a census in a particular manner.

24. The High Court has tried to inject the concept of social justice to fructify its direction. It is evincible that the said direction has been issued without any deliberation and being oblivious of the principle that the courts on very rare occasion, in exercise of powers of judicial review, would interfere with a policy decision.

25. Interference with the policy decision and issue of a mandamus to frame a

policy in a particular manner are absolutely different. The Act has conferred power on the Central Government to issue Notification regarding the manner in which the census has to be carried out and the Central Government has issued Notifications, and the competent authority has issued directions. It is not within the domain of the Court to legislate. The courts do interpret the law and in such interpretation certain creative process is involved. The courts have the jurisdiction to declare the law as unconstitutional. That too, where it is called for. The court may also fill up the gaps in certain spheres applying the doctrine of constitutional silence or abeyance. But, the courts are not to plunge into policy making by adding something to the policy by way of issuing a writ of mandamus. There the judicial restraint is called for remembering what we have stated in the beginning. The courts are required to understand the policy decisions framed by the Executive. If a policy decision or a Notification is arbitrary, it may invite the frown of Article 14 of the Constitution. But when the Notification was not under assail and the same is in consonance with the Act, it is really unfathomable how the High Court could issue directions as to the manner in which a census would be carried out by adding certain aspects. It is, in fact, issuance of a direction for framing a policy in a specific manner.

26. In this context, we may refer to a three-Judge Bench decision in *Suresh Seth V. Commr., Indore Municipal Corporation*, (2005) 13 SCC 287 wherein a prayer was made before this Court to issue directions for appropriate amendment in the M.P. Municipal Corporation Act, 1956 so that a person may be debarred from simultaneously holding two elected offices, namely, that of a Member of the Legislative Assembly and also of a Mayor of a Municipal Corporation. Repelling the said submission, the Court held: (SCC pp. 288-89, para 5)

"5.....In our opinion, this is a matter of policy for the elected representatives of people to decide and no direction in this regard can be issued by the Court. That apart this Court cannot issue any direction to the legislature to make any particular kind of enactment. Under our constitutional scheme Parliament and Legislative Assemblies exercise sovereign power to enact laws and no outside power or authority can issue a direction to enact a particular piece of legislation. In *Supreme Court Employees' Welfare Assn. v. Union of India* (1989) 4 SCC 187 (SCC para 51) it has been held that no court can direct a legislature to enact a particular law. Similarly, when an executive authority exercises a legislative power by way of a subordinate legislation pursuant to the delegated authority of a legislature, such executive authority cannot be asked to enact a law which it has been empowered to do under the delegated legislative authority. This view has been reiterated in *State of J & K v A.R. Zakki*, 1992 Supp (1) SCC 548. In *A.K. Roy v. Union of India*, (1982) 1 SCC 271, it was held that no mandamus can be issued to enforce an Act which has been passed by the legislature."

27. At this juncture, we may refer to certain authorities about the justification in interference with the policy framed by the Government. It needs no special emphasis to state that interference with the policy, though is permissible in law,

yet the policy has to be scrutinized with ample circumspection.

28. In *N.D. Jayal and Anr. V. Union of India & Ors.*(2004) 9 SCC 362, the Court has observed that in the matters of policy, when the Government takes a decision bearing in mind several aspects, the Court should not interfere with the same. In *Narmada Bachao Andolan V. Union of India* (2000) 10 SCC 664, it has been held thus: (SCC p. 762, para 229) " 229. "It is now well settled that the courts, in the exercise of their jurisdiction, will not transgress into the field of policy decision. Whether to have an infrastructural project or not and what is the type of project to be undertaken and how it has to be executed, are part of policy-making process and the courts are illequipped to adjudicate on a policy decision so undertaken. The court, no doubt, has a duty to see that in the undertaking of a decision, no law is violated and people's fundamental rights are not transgressed upon except to the extent permissible under the Constitution."

29. In this context, it is fruitful to refer to the authority in *Rusom Cavasiee Cooper V. Union of India*, (1970) 1 SCC 248, wherein it has been expressed thus: (SCC p. 294, para 63) "63....It is again not for this Court to consider the relative merits of the different political theories or economic policies... This Court has the power to strike down a law on the ground of want of authority, but the Court will not sit in appeal over the policy of Parliament in enacting a law".

30. In *Premium Granites V. State of Tamil Nadu*, (1994) 2 SCC 691 while dealing with the power of the courts in interfering with the policy decision, the Court has ruled that: (SCC p.715, para 54)

"54. it is not the domain of the court to embark upon uncharted ocean of public policy in an exercise to consider as to whether a particular public policy is wise or a better public policy could be evolved. Such exercise must be left to the discretion of the executive and legislative authorities as the case may be. The court is called upon to consider the validity of a public policy only when a challenge is made that such policy decision infringes fundamental rights guaranteed by the Constitution of India or any other statutory right."

31. In *M.P. Oil Extraction and Anr. V. State of M.P. & Ors.*(1997) 7 SCC 592, a two-Judge Bench opined that: (SCC p. 611, para 41)

"41..... The executive authority of the State must be held to be within its competence to frame a policy for the administration of the State. Unless the policy framed is absolutely capricious and, not being informed by any reason whatsoever, can be clearly held to be arbitrary and founded on mere ipse dixit of the executive functionaries thereby offending Article 14 of the Constitution or such policy offends other constitutional provisions or comes into conflict with any statutory provision, the Court cannot and should not outstep its limit and tinker with the policy decision of the executive functionary of the State."

32. In *State of M.P. V. Narmada Bachao Andolan & Anr.*(2011) 7 SCC 639, after referring to the *State of Punjab V. Ram Lubhaya Bagga* (1998) 4 SCC 117 , the

Court ruled thus: (SCC pp. 670-71, para 36)

"36. The Court cannot strike down a policy decision taken by the Government merely because it feels that another decision would have been fairer or more scientific or logical or wiser. The wisdom and advisability of the policies are ordinarily not amenable to judicial review unless the policies [pic]are contrary to statutory or constitutional provisions or arbitrary or irrational or an abuse of power. (See Ram Singh Vijay Pal Singh v. State of U.P., (2007) 6 SCC 44, Villianur Iyarkkai Padukappu Maiyam v. Union of India, (2009) 7 SCC 561 and State of Kerala v. Peoples Union for Civil Liberties, (2009) 8 SCC 46.)"

33. from the aforesaid pronouncement of law, it is clear as noon day that it is not within the domain of the courts to embark upon an enquiry as to whether a particular public policy is wise and acceptable or whether a better policy could be evolved. The court can only interfere if the policy framed is absolutely capricious or not informed by reasons or totally arbitrary and founded ipse dixit offending the basic requirement of Article 14 of the Constitution. In certain matters, as often said, there can be opinions and opinions but the Court is not expected to sit as an appellate authority on an opinion."

10. Reliance is also placed upon recent judgment rendered by Apex Court in case Center for Public Interest Litigation Vs. Union of India W.P.(C) No. 382 of 2014, decided on 8.4.2016, wherein it was reiterated that unless a policy decision is found to be arbitrary or based on irrational consideration or malafide or against statutory provisions, same can not be interfered by the Court in exercise of powers of judicial review. It is held as under:

"19. Such a policy decision, when not found to be arbitrary or based on irrelevant considerations or mala fide or against any statutory provisions, does not call for any interference by the Courts in exercise of power of judicial review. This principle of law is ingrained in stone which is stated and restated time and again by this Court on numerous occasions. In Jal Mahal Resorts (P) Ltd. v. K.P. Sharma, 2014 8 SCC 804, the Court underlined the principle in the following manner:

116. From this, it is clear that although the courts are expected very often to enter into the technical and administrative aspects of the matter, it has its own limitations and in consonance with the theory and principle of separation of powers, reliance at least to some extent to the decisions of the State authorities, specially if it is based on the opinion of the experts reflected from the project report prepared by the technocrats, accepted by the entire hierarchy of the State administration, acknowledged, accepted and approved by one Government after the other, will have to be given due credence and weightage. In spite of this if the court chooses to overrule the correctness of such administrative decision and merits of the view of the entire body including the administrative, technical and financial experts by taking note of hair splitting submissions at the instance of a PIL petitioner without any evidence in support thereof, the PIL petitioners shall

have to be put to strict proof and cannot be allowed to function as an extraordinary and extra-judicial ombudsmen questioning the entire exercise undertaken by an extensive body which include administrators, technocrats and financial experts. In our considered view, this might lead to a friction if not collision among the three organs of the State and would affect the principle of governance ingrained in the theory of separation of powers. In fact, this Court in *M.P. Oil Extraction v. State of M.P.*, (1997) 7 SCC 592 at p. 611 has unequivocally observed that:

"41. The power of judicial review of the executive and legislative action must be kept within the bounds of constitutional scheme so that there may not be any occasion to entertain misgivings about the role of judiciary in outstepping its limit by unwarranted judicial activism being very often talked of in these days. The democratic set-up to which the polity is so deeply committed cannot function properly unless each of the three organs appreciate the need for mutual respect and supremacy in their respective fields."

117. However, we hasten to add and do not wish to be misunderstood so as to infer that howsoever gross or abusive may be an administrative action or a decision which is writ large on a particular activity at the instance of the State or any other authority connected with it, the Court should remain a passive, inactive and a silent spectator. What is sought to be emphasised is that there has to be a boundary line or the proverbial *laxman rekha* while examining the correctness of an administrative decision taken by the State or a central authority after due deliberation and diligence which do not reflect arbitrariness or illegality in its decision and execution. If such equilibrium in the matter of governance gets disturbed, development is bound to be slowed down and disturbed specially in an age of economic liberalisation wherein global players are also involved as per policy decision."

20. Minimal interference is called for by the Courts, in exercise of judicial review of a Government policy when the said policy is the outcome of deliberations of the technical experts in the fields inasmuch as Courts are not well-equipped to fathom into such domain which is left to the discretion of the execution. It was beautifully explained by the Court in *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664 and reiterated in *Federation of Railway Officers Assn. v. Union of India* (2003) 4 SCC 289 in the following words:

"12. In examining a question of this nature where a policy is evolved by the Government judicial review thereof is limited. When policy according to which or the purpose for which discretion is to be exercised is clearly expressed in the statute, it cannot be said to be an unrestricted discretion. On matters affecting policy and requiring technical expertise the court would leave the matter for decision of those who are qualified to address the issues. Unless the policy or action is inconsistent with the Constitution and the laws or arbitrary or irrational or abuse of power, the court will not interfere with such matters."

21. Limits of the judicial review were again reiterated, pointing out the same position by the Courts in England, in the case of *G. Sundarrajan v. Union of India*[6] in the following manner: 15.1. Lord MacNaughten in *Vacher & Sons Ltd. v. London Society of Compositors* (1913 AC 107: (1911-13) All ER Rep 241 (HL) has stated:

"... Some people may think the policy of the Act unwise and even dangerous to the community. But a judicial tribunal has nothing to do with the policy of any Act which it may be called upon to interpret. That may be a matter for private judgment. The duty of the court, and its only duty, is to expound the language of the Act in accordance with the settled rules of construction."

15.2. In *Council of Civil Service Unions v. Minister for the Civil Service* (1985 AC 374, it was held that it is not for the courts to determine whether a particular policy or particular decision taken in fulfilment of that policy are fair. They are concerned only with the manner in which those decisions have been taken, if that manner is unfair, the decision will be tainted with what Lord Diplock labels as "procedural impropriety."

15.3 This Court in *M.P. Oil Extraction v. State of M.P.* (1997) 7 SCC 592 held that unless the policy framed is absolutely capricious, unreasonable and arbitrary and based on mere ipse dixit of the executive authority or is invalid in constitutional or statutory mandate, court's interference is not called for.

15.4 Reference may also be made of the judgments of this Court in *Ugar Sugar Works Ltd. v. Delhi Admn.* (2001) 3 SCC 635, *Dhampur Sugar (Kashipur) Ltd. v. State of Uttaranchal* (2007) 8 SCC 418 and *Delhi Bar Assn. v. Union of India* (2008) 13 SCC 628.

15.5. We are, therefore, firmly of the opinion that we cannot sit in judgment over the decision taken by the Government of India, NPCIL, etc. for setting up of KKNPP at Kudankulam in view of the Indo-Russian Agreement."

22. When it comes to the judicial review of economic policy, the Courts are more conservative as such economic policies are generally formulated by experts. Way back in the year 1978, a Bench of seven Judges of this Court in *Prag Ice & Oil Mills v. Union of India* and *Nav Bharat Oil Mills v. Union of India*, (1978) 3 SCC 459 carved out this principle in the following terms:

"We have listened to long arguments directed at showing us that producers and sellers of oil in various parts of the country will suffer so that they would give up producing or dealing in mustard oil. It was urged that this would, quite naturally, have its repercussions on consumers for whom mustard oil will become even more scarce than ever ultimately. We do not think that it is the function of this Court or of any court to sit in judgment over such matters of economic policy as must necessarily be left to the government of the day to decide. Many of them, as a measure of price fixation must necessarily be, are matters of prediction of ultimate results on which even experts can seriously err and doubtlessly differ.

Courts can certainly not be expected to decide them without even the aid of experts.

23. Taking aid from the aforesaid observations of the Constitution Bench, the Court reiterated the words of caution in *Peerless General Finance and Investment Co. Limited v. Reserve Bank of India*, (1992) 2 SCC 343 with the following utterance:

"31. The function of the court is to see that lawful authority is not abused but not to appropriate to itself the task entrusted to that authority. It is well settled that a public body invested with statutory powers must take care not to exceed or abuse its power. It must keep within the limits of the authority committed to it. It must act in good faith and it must act reasonably. Courts are not to interfere with economic policy which is the function of experts. It is not the function of the courts to sit in judgment over matters of economic policy and it must necessarily be left to the expert bodies. In such matters even experts can seriously and doubtlessly differ. Courts cannot be expected to decide them without even the aid of experts.

24. It cannot be doubted that the primary and central purpose of judicial review of the administrative action is to promote good administration. It is to ensure that administrative bodies act efficiently and honestly to promote the public good. They should operate in a fair, transparent, and unbiased fashion, keeping in forefront the public interest. To ensure that aforesaid dominant objectives are achieved, this Court has added new dimension to the contours of judicial review and it has undergone tremendous change in recent years. The scope of judicial review has expanded radically and it now extends well beyond the sphere of statutory powers to include diverse forms of "public" power in response to the changing architecture of the Government. (See : *Administrative Law: Text and Materials* (4th Edition) by Beatson, Matthews, and Elliott) Thus, not only has judicial review grown wider in scope; its intensity has also increased. Notwithstanding the same,

"it is, however, central to received perceptions of judicial review that courts may not interfere with exercise of discretion merely because they disagree with the decision or action in question; instead, courts intervene only if some specific fault can be established for example, if the decision was reached procedurally unfair.

25. The *raison d'être* of discretionary power is that it promotes decision maker to respond appropriately to the demands of particular situation. When the decision making is policy based judicial approach to interfere with such decision making becomes narrower. In such cases, in the first instance, it is to be examined as to whether policy in question is contrary to any statutory provisions or is discriminatory/arbitrary or based on irrelevant considerations. If the particular policy satisfies these parameters and is held to be valid, then the only question to be examined is as to whether the decision in question is in conformity with the said policy."

11. Apart from aforesaid judgments having been passed by the Apex Court, Division Bench of this Court relying upon aforesaid judgments, also held in case Nand Lal and another Vs. State of H.P., reported in 2014(2) HLR (DB) 982, that policy decision is not open to judicial review. In the aforesaid case, petitioner had laid challenge to a decision taken by the Government to open Degree College at Diggal, District Solan instead of Ramshehar (Nalagarh) and it was held that since it was a policy decision, the same was not open to judicial review. Division Bench of this Court specifically held that it is beaten law of land that government decisions and policies cannot be subject matter of litigation unless arbitrariness is shown in the decision making process.

12. This Court, after carefully examining the reply of the respondents, is convinced and satisfied that policy decision to station/set up headquarters of newly created Sub-Tehsil, Pajhota at Nohri has been taken in the larger public interests and there is no arbitrariness in the same, rather decision has been taken keeping in view relevant parameters and factors. Petitioner has not been able to specifically point out, in what manner, decision of the Government in setting up headquarters of Sub Tehsil Pajhota at Nohri is arbitrary or based upon irrational considerations or is malafide or against any statutory provisions, and, as such, this Court sees no reason to interfere with the aforesaid policy decision.

13. In view of the discussion made herein above as also the law laid down by the Apex Court(supra), relied by Division Bench of this Court, petition at hand lacks merit and is dismissed accordingly. Pending applications are also disposed of.