
(2020) 09 SHI CK 0103
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1870 Of 2019

Roop Lal	Vs	APPELLANT
State Of H.P. & Other		RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0103

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

Bench : Division Bench

Advocate : Vivek Attri, Abhinav Purohit, Ashok Sharma, Adarsh K. Sharma, Ritta Goswami, Lakshay Thakur

Final Decision : Disposed Of

Judgement

L. Narayana Swamy , CJ

1. By way of present petition, the petitioner has prayed for following reliefs:

"i) To kindly allow the present civil writ petition and declare the actions of the respondents ultra-vires to the provisions H.P. Roadside Land Control Act, 1968 and H.P. Road Infrastructure Protection Act, 2002.

ii) direct the respondents to restore the electricity and water connections of the buildings of the petitioners being the infringement of Right to Life.

iii) To direct the respondents to inspect and demarcate the site to assess the removal of alleged encroachment from the controlled area."

2. With regard to prayer No.(ii) to restore the water supply and electricity connection of the building of the petitioner, this Court on 29.06.2020 directed the respondents to restore the water supply and electricity connections of the petitioner and in compliance thereof, the same stands restored.

3. With regard to other prayer raised for direction to the respondents to demarcate and inspect the encroached land, learned counsel for the petitioner

submits that the petitioner has already cleared the encroached area and supplementary affidavit to that extent has been filed.

4. In view of above submissions, learned Additional Advocate General, submits that the encroached area has already been cleared as per the supplementary affidavit filed. Under these circumstances since the encroachment already stands cleared, it is always open for the respondents to take possession of the same and it shall be the deemed possession of the Government.

5. With these observations, the writ petition stands disposed of along with pending application(s), if any.