
(2020) 11 SHI CK 0102
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1519 Of 2020

Satish Kumar

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 09-11-2020

Acts Referred:

Citation : (2020) 11 SHI CK 0102

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

Bench : Division Bench

Advocate : Kiran Dhiman, Ashok Sharma, Adarsh K. Sharma, Ritta Goswami,
Nand Lal Thakur

Final Decision : Disposed Of

Judgement

L. Narayana Swamy, CJ

1. By way of the instant writ petition, the petitioner has invoked the jurisdiction of this Court seeking a direction to the respondents to protect the slopes by raising retaining walls adjoining to the road being constructed from Tipri to Village Jalai in Tehsil Salooni, District Chamba. A direction has also been sought to be issued to the respondents to pay the damages occurred to his property due to construction of the road.

2. Respondents have filed the reply and have categorically stated therein that as per the survey of the road, there is no cow-shed and house of the petitioner near the proposed road and that the distance of the house and land of the petitioner from the proposed road is more than 100 metres. It has further been stated in the reply that all the precautionary measures are being taken to protect the property of the private parties.

3. Nothing has been placed on record by the petitioner to show that his cow-shed has developed cracks and that the laying of the road or cutting the side hills is the only cause for the cracks.

4. In view of the above, more particularly, the stand taken by the respondent-Superintending Engineer in his reply- affidavit, the petition is disposed of reserving liberty to the petitioner to approach the respondents, if he is so advised, and raise such questions and disputes at appropriate stage.

5. Pending miscellaneous applications, if any, are also disposed of accordingly.