



Kusum Bali vs. State of H.P. & others

CWPIL No.13 of 2021

01.05.2024 Present: Mr. Ankush Dass Sood, Senior Advocate with Mr.Gaurav Chaudhary, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta Additional Advocates General, for respondents no.1 to 3 and 5.

Mr. Mukul Sharma, Advocate vice Mr. Virbahadur Verma, Advocate, for respondent no.4.

Mr. N.K. Bhalla, Advocate, for respondent no.8.

Mr. Ankit Dhiman, Advocate for the intervener in CMP No.14379 of 2023.

Mr. Balram Sharma, DSGI, for NIT Hamirpur.

Heard Mr. Ankush Dass Sood, learned Senior Counsel, for the petitioners, learned Advocate General and learned counsel for respondents no.8 and intervener.

2. Status report has been filed today by the Under Secretary (Town & Country Planning) to the Government of Himachal Pradesh stating that steps are being taken for preparation of regional plans, development plans and existing land use maps and registers for three priority districts of Shimla, Kullu and Kangra and certain financial sanction has been accorded. It is also stated that a sum of more than Rs.1.00 crore was utilized for preparation of regional plans for Solan and Lahaul & Spiti districts. Copy of letter dt. 19.01.2024 addressed by the Director, Town & Country Planning Department,

Himachal Pradesh to the Principal Secretary(TCP) to the Government of Himachal Pradesh is annexed, which indicates that a sum of Rs.4.18 crores is necessary for preparation of above plans for the three districts of Shimla, Kullu and Kangra.

3. Learned Advocate General assures that in due course, this amount will be released and the development plans and regional plans for these three districts would be completed. He also assures that for other districts other than these three districts, Solan and Lahaul & Spiti, such plans would be prepared.

4. Fresh status report in that regard be filed on the next date of hearing.

5. As regards the *inter se* disputes between respondent no.8 and the intervener, prima facie material is placed before the Court by the intervener suggesting that the 8th respondent had completed his seven storeyed structure in excess of height requirement prescribed under the H.P. Town & Country Planning Act, 1977.

6. Admittedly, inspection of the site of the 8th respondent has already been done on 17.10.2023. If necessary, inspection shall be done again by a team constituted by the Director, Town & Country Planning to determine the height or any other deviation in the structure erected by the 8th respondent, after issuing notice to the 8th respondent and the said report may then be forwarded to the Special Area Development Authority for

taking appropriate action in the event it is found to be in violation of norms prescribed under the Statute.

7. If the height of the structure is found to be in excess of the height prescribed under the Statute or there is any other deviation, the authority shall take an appropriate corrective action against the said construction in accordance with law keeping in mind the order dt. 13.01.2023 passed by this Court in CWPII No.13 of 2021.

8. As regards the structural safety of the building erected by the 8th respondent is concerned, the Punjab Engineering College inspection team had certified that the structure erected by the 8th respondent is structurally safe and the quality of construction appears to be good. The said report is taken on record.

List on 3rd October, 2024.

**(M.S. Ramachandra Rao)
Chief Justice**

**(Jyotsna Rewal Dua)
Judge**

May 01, 2024
(vt)