

## IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.12236 of 2024

Date of Decision: 29.10.2024

Ritu Bhalla

.....Petitioner

Versus

State of Himachal Pradesh &amp; others

... Respondents

Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**Whether approved for reporting? <sup>1</sup>

**For the Petitioner:** Mr. G.D.Verma and Mr. Ajay Sharma, Senior Advocates with Mr. Atharv Sharma and Sumeet Sharma, Advocates.

**For the Respondents:** Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General.

**Sandeep Sharma, Judge(oral):**

Since despite there being representation made by the petitioner to the Deputy Commissioner, Solan, Himachal Pradesh, thereby requesting to implement the order passed by Financial Commissioner (Appeals) Shimla in Revision petition No.49 of 2019, dated 28.02.2020, titled as **Ritu Bhalla versus State of Himachal Pradesh**, no steps have been taken by the said authority, petitioner is compelled to approach this Court in the instant proceedings, praying therein for following main relief:-

“ That the impugned action of District Collector, Solan and Tehsildar Nalagarh, which amounts to executive in action may be quashed and set-aside with directions to the said respondents to immediately and forthwith implement the

<sup>1</sup> Whether the reporters of the local papers may be allowed to see the judgment?

judgments passed by learned Financial Commissioner (Appeals) and of this Hon'ble Court in its letter and spirit in the shape of attesting the mutation in the interest of law and justice."

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. G.D.Verma, learned Senior counsel representing the petitioner, is that though order passed by Financial Commissioner, Shimla in Revision Petition No. 49 of 2019, dated 28.02.2020, has been further upheld by this Court vide judgment dated 30.04.2024 passed in CWP No.1391 of 2021, titled as **State of Himachal Pradesh versus Smt. Ritu Bhalla**, but yet authority responsible to implement the aforesaid order, is not taking steps to implement the mandate contained in the order passed by Financial Commissioner, Shimla.

3. Having regard to the nature of the prayer and order proposed to be passed in the instant proceedings, this Court sees no necessity to call for the reply from the respondent-State, which otherwise is being represented by learned Additional Advocate General.

4. Having perused the averments contained in the petition, especially relief prayed therein, learned Additional Advocate General states that representation, if any, filed by the petitioner, if not already decided, shall be decided expeditiously.

5. Having taken note of the fact that order dated 28.02.2020 passed by Financial Commissioner, Shimla in Revision Petition No.49 of 2019, has been further upheld by this Court vide judgment dated 30.04.2024 passed in CWP No.1391 of 2024 and there is nothing to suggest that aforesaid judgment passed by this Court has been laid

challenge in the superior Court of law, there appears to be no impediment in issuing direction to Deputy Commissioner, Solan, District Solan, Himachal Pradesh to decide the pending representation of the petitioner, wherein request has been made to implement the aforesaid judgment.

6. Consequently, without commenting upon the merits of the case, the present petition is disposed of, with a direction to Deputy Commissioner, Solan, District Solan, Himachal Pradesh. to decide the pending representation of the petitioner dated 30.08.2024 (Annexure P-2) expeditiously, preferably within a period of two weeks. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner as well as other stakeholders and pass detailed order thereupon. Liberty is reserved to the petitioner to file appropriate proceedings in appropriate court of law, if it still remains aggrieved. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),  
Judge**

October 29, 2024  
(shankar)