



Item No.D-2

**Kusum Bali vs. State of H.P. and others a/w
connected matters**

**CWPIL No.13 of 2021 a/w CWPILs No.98 of 2024, 44 of
2025 and 77 of 2026**

CWPIL No. 13 of 2021

13.10.2026 Present: Mr. Ankush Dass Sood, Senior Advocate with Mr. Gaurav Chaudhary and Mr. Ruchirangad Singh, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Sidharth Jalta, Deputy Advocate General for the respondents-State.

Mr. Aditya Singh Thakur, Advocate for Mr. Virbahadur Verma, Advocate, for respondent No.4.

Mr. Shakti Bhardwaj, Advocate for respondent No.8.

Mr. Ankit Dhiman, Advocate for the intervener.

CWPIL No.98 of 2024

None for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Sidharth Jalta, Deputy Advocate General for the respondents-State.

Mr. Ajeet Jaswal, Advocate for respondent No.6.

CWPIL No.44 of 2025

Mr. Ankush Dass Sood, Senior Advocate with Mr. Gaurav Chaudhary and Mr. Ruchirangad Singh, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Sidharth Jalta, Deputy Advocate General for the respondents-State.

Mr. Ajeet Jaswal, Advocate for respondent No.5.

CWPIL No.77 of 2026

Mr. Vinay Sharma, Advocate for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Sidharth Jalta, Deputy Advocate General for the respondents-State.

Mr. Raman Ravi Verma, Advocate, for respondent No.12.

Mr. Amarjeet Singh, Secretary, Town and Country Planning, Sh. Hemis Negi, Director, Town and Country

Planning and Mr. Ramesh Bhardwaj, TCP, Solan are also present.

In compliance to the previous order dated 15.09.2026, the Under Secretary (Town & Country Planning) to the Government of Himachal Pradesh, Shri Sukh Ram Thakur, has filed his affidavit. It has been averred in the affidavit that the respondent-Department constituted a Committee under the Chairmanship of the State Town Planner to verify the permissions under Section 118 of the of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 and sanctioned plans, particularly concerning 21 multi-storey building projects in the Solan-Barog area. The details of 21 such projects have been mentioned and it has also been mentioned that directions to stop the constructions beyond six storeys has been issued on 29.08.2026.

2. The details of site inspections reveal that construction beyond six storeys has been detected in 08 out of the 21 projects. The detailed report of the Committee has been placed on record as Annexure R-5 (Page-1592). It has been stated that permissions in these cases had been accorded prior to the order dated 11.05.2026, restricting the construction of buildings beyond six storeys in Solan. The said affidavit also contains charts, as such, showing the particulars regarding the issuance of planning permissions, planning areas, and details of the issuance of 'Put to Use' notices.

3. Apart from that, the purpose of land use also shows that permissions have been granted for various housing projects, RERA-projects, and hotel/tourism units. However, the majority of

these developments are not exclusively for residential purposes. Specifically, Serial No. 23 (Page-1559) indicates that M/s Padmesh Buildwell Pvt. Ltd. builder has been granted permission to raise 08 storeys for 06 Blocks and similarly Serial No.1 (Page 1561), M/s H.P. Resorts Pvt. Ltd. has been granted permission to raise 07 Blocks, out of which, 01 Block comprises 08 storeys and 05 Blocks comprise 07 storeys. Serial No.1 (Page 1562), M/s Luxus Hotel & Resort is raising construction up to 15 storeys. Serial No.7 (Page 1550), M/s Agis Center Point Developers Pvt. Ltd., in Theog Planning Area is proposing to construct 120 residential villas. The list appears such endless, demonstrating that developers have sought and obtained approvals/permissions well beyond 06 storeys, after having been granted permission under Section 118 of the H.P. Tenancy & Land Reforms Act, 1972.

4. In many cases, the present status of construction on the site is not even available with the authorities. It is pertinent to note that planning permissions are ordinarily granted subject to the condition that construction be completed within a period of two years plus extensions, which has to be duly applied for, considered, and granted thereafter. The relevant statutory provisions stipulate that failure to execute construction within the prescribed period renders such permissions deemed to be revoked.

5. We have also gone through the photographs appended with the affidavit, which would go on to show that multiple construction is taking place in the form of huge apartment blocks,

which *prima facie* appear incompatible with structural norms suitable for hilly terrain. We have serious doubts, as such, regarding the distances which have been maintained between blocks and flats to mitigate fire hazards, as such and the minimum setbacks maintained between adjacent blocks, as well as, if there is any norm to be followed regarding such distances.

6. Reference has been made to the Regulations for Development of Apartments and Colonies (Appendix 7, annexed as Annexure R-6). The regulations prescribe that the overall height of a building shall not exceed 30.00 metres in plain areas and maximum 25.00 meters, including sloping roof, in the hilly areas of the State. A height of 25.00 metres corresponds roughly to six/seven floors.

7. In such circumstances, the State shall file an affidavit explaining how permissions beyond 25.00 metres came to be accorded to these projects, including those 21 builders, to whom stop-construction notices have now been issued and regarding the applicable norms governing inter-block distances and fire safety clearance parameters.

8. A separate affidavit has also been filed by Shri Anil Chauhan, Additional Chief Secretary (Revenue) to the Government of Himachal Pradesh, which would go on to show that in the Barog area (District Solan), 187 permissions have been granted under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, under Patwar Circle, Barog in favour of the non-agriculturists, 64 for the purchase of land for various purposes and 123 permissions have been granted for the

purchase of built-up structures/flats. In District Shimla, in total, 801 permissions permission under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 have been granted over the last decade. As per the detailed list (Annexure R-2), in Tehsil Nahan (District Sirmaur), 270 permissions were granted, out of which 159 were for industrial/tourism purposes and 111 for residential/tourism purposes.

9. Perusal of the detailed list (Annexure R-1) would go on to show that it pertains to Barog and consists of revenue records in the vernacular (covering two Patwar Circles). The State shall place on record the English translations of Annexure R-1 (Annexures A and B). Furthermore, the list for District Shimla (Annexure R-2) does not depict the date of application, the extent of land purchased, and the revenue status of the land.

10. Accordingly, a revised comprehensive list for District Shimla shall be furnished as per the format adopted for Tehsil Nahan (Annexure R-3). The State shall also give number of permissions granted under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, for District Kullu, District Kangra, and the remaining areas/Tehsils of District Sirmaur.

11. The affidavits now filed are lacking compliance of earlier order dated 15.09.2026, as three crucial aspects have not been covered: firstly regarding the fresh report from the Forest Department; secondly the action taken on the letter dated 18.02.2026 regarding the requisite affidavit of the Deputy Commissioner, Solan to be filed; and thirdly regarding the observations made in Paragraph-9, as to how such large scale

permissions have been granted and also the procedure and criteria for granting and rejecting the cases/applications. The details of the persons who had applied for and the details of the persons who did not get permissions and the reasons which weighed with the State Government/competent authority, in not granting the permissions be also furnished.

12. The State shall also clarify whether such applications filed under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 generate any substantial revenue for the State exchequer in the form of processing fees, application fees, or stamp duty.

13. The State shall further clarify whether mandatory Environmental Clearances have been obtained for large-scale projects, keeping in view the covered area of the said projects.

14. Lastly, the State shall also disclose the total number of all the permissions granted across the State under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972 over the past decade.

15. Let the requisite compliance affidavits covering all the aforesaid aspects be filed on or before the next date of hearing.

16. List on **07.12.2026**. The presence of all the Officers present today is exempted for the next date of hearing.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

October 13, 2026 (KS)