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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4523/2026
Decided on:03.07.2026

Subhash Chand **.....Petitioner**

Versus

State of H.P and others **..Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Anand Sharma Sr. Advocate with Karan Sharma, Advocate.

For the Respondents: Mr. Sikander Bhushan, Deputy Advocate General for respondents No. 1 & 2.

Mr. Rajesh Kashyap, Advocate, for respondents No. 3 to 5.

Jyotsna Rewal Dua, Judge

This writ petition has been filed for grant of following substantive reliefs:-

> "a. To pass an appropriate Writ order in the nature of Mandamus directing the respondents, to abide by the admitted and lucid contractual Terms of the Letter cum Agreement dated 11.03.2022, as well as the Negotiation Committee Report (Mola Bhaw Samiti Report) dated 6.2.2019, as they are under a legal and constitutional obligation to pay the Rehabilitation Subsistence Allowance to the petitioner from the date of taking over of the actual, physical possession of his respective shop taken by the respondents for the expansion and beautification project of the holy shrine of Mata Shri Chintpurni Ji under the PRASAD Scheme whose livelihood was

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[1] **Whether reporters of print and electronic media may be allowed to see the order? Yes.**

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solely dependent upon the demised shop the possession of which has been illegally taken by the respondents without paying the due and admissible Rehabilitation subsistence allowance;

b. To pass an appropriate writ order in the nature of Mandamus directing the respondents, to immediately commence the payment of due and admissible Rehabilitation subsistence allowance to the petitioner forthwith; and to continue such payment regularly on a monthly basis until new shop is allotted to the petitioner in the proposed newly constructed commercial complex in accordance with the agreement;

c. To pass an appropriate writ order in the nature of Mandamus directing the respondents, to compute and pay the entire arrears of the Rehabilitation subsistence allowance due and admissible towards the petitioner from the respective dates of dispossession from the demised shop, upto the date of actual payment, alongwith interest at the rate of twelve percent per annum from the date of dispossession until the date of realization;

d. To pass an appropriate writ order in the nature of Mandamus directing the respondents, to not to undertake any demolition or construction activity affecting the shop of the petitioner until the entire arrears of Rehabilitation subsistence allowance are paid to the petitioner."

2. Following order was passed in this matter on 06.04.2026:-

"Learned Senior Advocate for the petitioner states that he is under instructions to seek amendment of the memo of parties, inasmuch as the names of respondents No. 3, 4 and 5 be read as follows: -

(i) Deputy Commissioner, Una-cum-Temple Commissioner, Management Committee/Mata Shri Chintpurni Temple Trust, District Una, Himachal Pradesh;

(ii) Sub Divisional Magistrate-cum-Assistant Temple Commissioner, Management

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> Committee/Mata Shri Chintpurni Temple Trust, Amb, Tehsil Amb, District Una, Himachal Pradesh;
>
> (iii) Temple Officer, Management Committee/Mata Shri Chintpurni Temple Trust, District Una, Himachal Pradesh, respectively.
>
> 2. The above prayer is accepted.
>
> 3. Notice. Mr. L.N. Sharma, learned Additional Advocate General, accepts notice on behalf of respondents No.1 & 2. Issue notice to respondents No. 3 to 5, returnable within four weeks, on taking steps within one week.
>
> Let learned Additional Advocate General to have specific instructions regarding payment of rehabilitation subsistence allowance allegedly due to the petitioner from the date of his dispossession from the concerned quarters by the next date.
>
> List on 07.05.2026.
>
> Amended memo of parties be filed in the meanwhile."

3. When the matter was taken up for hearing today, learned counsel appearing for respondents No. 3-5 placed on record office letter dated 16.06.2026, in terms of which, the aforesaid respondents have ordered release of ₹3,35,400/-towards subsistence allowance to the petitioner for the year 2025-26 (withheld period).

4. Taking note of instructions contained in office letter dated 16.06.2026, this writ petition is disposed of with direction to respondents No. 3-5 to continue to make regular payment to the petitioner for his due and

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admissible subsistence allowance till the time he is allotted new shop in accordance with the agreement (Annexure P-3 dated 11.03.2022) executed between the parties. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

3rd July, 2026
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