



IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA

CWP No. 6966/2026  
Decided on: 07.05.2026

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Rakesh Kumar

...Petitioner

**Versus**

State of H.P. & Ors.

....Respondents.

.....  
**Coram**

**Ms. Justice Jyotsna Rewal Dua, Judge.**

**Whether approved for reporting?<sup>1</sup>**

**For the petitioner:**

**Mr. Rajiv Rai, Advocate.**

**For the respondents:**

**Mr. Rajat Chaudhary, Assistant  
Advocate General No.1,3 to 7**

**Mr. Surender Sharma, Advocate  
for respondent No.2.**

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**Jyotsna Rewal Dua, J.**

Notice. Mr. Rajat Chaudhary, Learned Assistant Advocate General and Mr. Surender Sharma, learned counsel, accept notice on behalf of respondents No.1, 3 to 7 and 2 respectively.

2. The petitioner feels aggrieved by the recovery notices issued to him on 30.04.2026 (Annexure P-1) and 28.04.2026 (Annexure P-2), whereby the petitioner has been directed by respondent No.6-Block Development Officer, Bamsan (Tauni Devi),

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



District Hamirpur, to deposit amounts of Rs.5,11,717/- and Rs.1,88,858/-, respectively, within 15 days. The petitioner is desirous of contesting the ensuing elections in the Panchayati Raj Institutions of the respondent-State, however, because of the recovery notices issued against him, he has attracted disqualification in terms of Section 122 of the Himachal Pradesh Panchayati Raj Act, 1994.

3. Learned counsel for the petitioner submitted that the petitioner was never intimated about the recovery proceedings and the impugned notices were supplied to him only on 04.05.2026. Before issuance of the impugned notices, neither any show cause notice was issued to the petitioner nor was he associated by the respondents in any inquiry proceedings whatsoever, on the basis of which the impugned recovery notices have statedly been issued.

4. Keeping in view the urgency so projected, when the matter was taken up in the morning session, learned Assistant Advocate General was directed to obtain instructions regarding compliance with the principles of natural justice before issuance of the impugned recovery notices and to have instructions on the assertions made for the petitioner. The matter was again taken up in the post-lunch session, when learned Assistant Advocate General, on the basis of instructions imparted to him by respondent No.6, apprised the Court that petitioner's allegation regarding issuance of the impugned recovery notices without compliance with the principles



of natural justice was correct, inasmuch as the recovery notices had not been preceded either by any show cause notice to the petitioner or by association of the petitioner in any inquiry proceedings.

In view of the grievance of the petitioner, and the stand taken by the respondents as apprised by learned Assistant Advocate General, it has to be held that the impugned notices were issued to the petitioner in complete violation of the principles of natural justice. Accordingly, the impugned notices dated 30.04.2026 (Annexure P-1) and 28.04.2026 (Annexure P-2) are quashed and set aside. Consequences shall follow. The respondents, however, shall be at liberty to proceed in the matter afresh, in accordance with law.

The instant petition to stand disposed of in above terms. All pending miscellaneous application(s) to also stand disposed of.

**Jyotsna Rewal Dua  
Judge**

**07<sup>th</sup> May, 2026**<sub>(rohit)</sub>