
(2018) 05 UK CK 0050

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 470 of 2017

BHAGWAN SINGH RANA

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 10-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0050

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Davesb Bishnoi, S.R. Joshi, Shobhit Saharia

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. According to the petitioner, ancestral land of his mother situated in village Godi Sirayin, District Tehri Garhwal was submerged in the construction

of Tehri Dam and thereafter the petitioner's family was to be rehabilitated under a scheme. For this purpose, the mother of the petitioner though

was earlier declared as a person eligible under the rehabilitation category but subsequently her name was deleted. She therefore, filed a Writ Petition

(M/B) No. 306 of 2007 before this Court, which was disposed of by a Division Bench of this Court by passing the following order:-

Â Heard Sri B.P. Nautiyal, learned counsel for the petitioner and Sri K.P. Upadhyaya, Id. Standing counsel for the State.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned order dated 28/06/2003 passed by U.P. Rajasva

Adhikari, Anushandhan Evam Niyojan Khand, Rishikesh Respondent No. 3.

Â We have perused the order passed by Respondent No. 3. Though, we are not

interfering with the order passed by Respondent No. 3., however taking a lenient view, we are disposing of this writ petition with a direction that the Director (Rehabilitation), Tehri Dam Project, New Tehri shall re-consider the claim of the petitioner as has been raised in the writ petition. Â

The order is being passed on the consent of the parties. Subject to above, the writ petition is disposed of finally.â??

2. Thereafter, the matter came up before the Grievance Redressal Cell in the year 2007 and the Grievance Redressal Cell came to the conclusion that the petitionerâ??s mother was married to one Mr. Satya Singh and both belonged to the same village and there was certain land recorded in the name of Mr. Satya Singh i.e. petitionerâ??s father, and land was also recorded in the name of petitionerâ??s mother Smt. Virali Devi in the same village. However, as per the Government Order dated 27.07.1983 which was for rehabilitation, where the husband and the wife who have got separate lands will still be treated as one unit for rehabilitation purposes and, therefore, the claimant cannot be treated as a separate unit for rehabilitation purposes. Admittedly the claimantâ??s husband was the head of the family and who was already given all rehabilitation benefits as per the Scheme. Therefore, the application of the claimant was rejected vide order dated 26.09.2007. This was never challenged by the petitioner or his mother. Subsequently, the petitioner filed a review application saying that the direction of the Division Bench was for the Director, Rehabilitation to decide the matter, and not for the Grievance Redressal Cell. Thereafter, the Director, Rehabilitation again considered the matter and dismissed the claim of the petitioner on similar grounds vide order dated 09.12.2016.

3. Having considered the merits of the case, there is absolutely no doubt that since there is a Government Order dated 27.07.1983, which says that in cases where both husband and wife have separate lands in their respective names, have to be considered as one displaced family. Therefore, the eligibility of the petitionerâ??s mother and his father has rightly been assessed as one unit.

4. One of the grounds argued by the learned counsel for the petitioner is that under similar circumstances, one Smt. Vimla Devi has been given the benefits. The contention of learned Counsel is totally misconceived firstly for the reason that if someone has been given the benefit of rehabilitation

policy on wrong grounds and in clear violation of the policy, that does not mean that the same benefit can also be given to the petitioner, as two

wrongs do not make a right and, secondly, Smt. Vimla Devi was living separately from her husband and on account of this fact, benefits were given to

her, which is not the case of the petitioner.Â

5. In view of the above observations, the writ petition fails and it is hereby dismissed.Â