
(2018) 01 SHI CK 0055
In the High Court Of Himachal Pradesh
Case No : 2546 of 2012

Dopli Nand and others

APPELLANT

Vs

Union of India and others

RESPONDENT

Date of Decision : 01-01-2018

Acts Referred:

Citation : (2018) 01 SHI CK 0055

Hon'ble Judges : Sanjay Karol, Ajay Mohan Goel

Bench : Division Bench

Advocate : Deepak Kaushal, Vir Bahadur Verma, J.K. Verma, Pavinder Kumar,
Vijay Arora, Ajay Vaidya

Judgement

1. On 24th October, 2017, this Court passed the following order:

After the matter was heard for some time, learned Counsel for the petitioners, after examining the matter in detail, confines the petition only with

respect to prayers No. 2, 4, 6, 7 and 9. Qua prayer No. 9, it is confined only with respect to paras 112 and 113 of the judgment referred therein

of Hon'ble Supreme Court titled Samatha Versus State of A.P. and Others, 1997(8) SCC 191.

2. We notice that an agreement between the project proponent and a body of residents of village Kachrang, Tehsil Nichar, District Kinnaur, was

executed, in terms whereof, residents of the village were to be rehabilitated and compensated. Also various facilities were to be provided.

3. Mr. Ajay Vaidya, learned Counsel appearing for respondent No. 9, points out that the project proponent has deposited a sum of more than

One Crore with the State.

4. From the affidavit filed by the Deputy Commissioner it is quite apparent that

21 families already stand rehabilitated and in the alternative, government land allotted to them.

5. Petitioners contend that they have been left out in the process of rehabilitation and grant of benefits, but entitlement of their right is seriously disputed both by the State as also the project proponent.

6. Notwithstanding the stand taken by the respondents, we are of the considered view that considering the hardships faced by the villagers, it would be only in the interest of public as also justice that some exercise at the ground level is carried out by the authorities for ascertaining the factual position.

7. As such, we deem it appropriate to constitute a committee comprising of and headed by (i) Secretary, District Legal Service Authority, Kinnaur,

(ii) The Deputy Commissioner, Kinnaur, (iii) Official of Himurja, (iv) representative of the project proponent and (v) any one of the petitioners.

8. Let this committee visit the village and take a decision with regard to the petitioners' right and entitlement under the (i) agreement; (ii) report of

the Geologist and (iii) environmental laws. Such exercise be carried out within a period of six weeks and report submitted within a period of two

weeks thereafter. Petitioners undertake to communicate the order to all concerned. List on 11th of December, 2017.

2. Pursuant thereto, the Committee has visited the spot and submitted the report. Villagers, as also the Project proponents have agreed to certain terms, which are part of the report.

3. As such, as prayed for, we dispose of the present petition, with the direction to the Authorities concerned to ensure that the agreement arrived

at, in terms of the report, is executed and implemented, in terms of the time stipulated in the report and positively before 30th June, 2018.

4. Petition stands disposed of, reserving liberty to the petitioners to agitate their grievances, if any, with the appropriate authority(s), as also initiate

appropriate proceedings, in accordance with law, on same and sequent cause of action, if so required.