
(2025) 04 UK CK 0892

In the Uttarakhand High Court

Case No : Special Appeal No. 764, 762 Of 2017

General Manager, Pariyojna THDC Ltd. & Ors.

APPELLANT

Vs

Prem Singh Panwar & Others

RESPONDENT

Date of Decision : 29-04-2025

Acts Referred:

Citation : (2025) 04 UK CK 0892

Hon'ble Judges : Manoj Kumar Tiwari, J; Ashish Naithani, J

Bench : Division Bench

Advocate : Shobhit Saharia, G.S. Negi, Lokendra Dobhal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Since common question of facts are involved in these appeals, therefore, they are being heard and decided together. However, for the sake of brevity facts of Special Appeal No.764 of 2017, alone are being considered and discussed.

2. Objection has not been filed to the delay condonation application (CLMA No.12827 of 2017). For the reasons indicated in the delay condonation application, we condone the delay of 1 day in filing the appeal. Delay condonation application is allowed.

3. Special Appeal No.764 of 2017 is filed challenging the judgment dated 27.07.2017 passed by learned Single Judge in WPMS No.892 of 2010. The impugned judgment is extracted below: -

"Petitioner has already raised a dispute before the Grievance Redressal Cell. The case of the petitioner was rejected vide the impugned order. However, all the facts pleaded by the petitioner before the Cell have not been taken into consideration concerning the left out properties. The Cell was required to look into the law and entire facts before determining the lis. The Cell could not be oblivious of the fact that the petitioner has already lost his land for the

construction of Tehri Dam Project in larger public interest.

Accordingly, all the writ petitions are allowed. Orders, under challenge in these petitions, are set aside. As a special case, the matter is remanded back to the Grievance Redressal Cell, with the direction to decide the matter by passing a detailed/ speaking order within three months from today."

4. Learned counsel for the appellant submits that by the impugned judgment learned Single Judge has remanded the matter to the Grievance Redressal Cell, which was constituted in terms of interim order passed by Hon'ble Apex Court in SLP No.22895 of 2005, and other connected SLPs, and after decision in those SLPs, the Grievance Redressal Cell became non-existent. He submits that all disputes raised by land owners regarding their rehabilitation/ compensation are now being considered by Director Rehabilitation, therefore, the impugned judgment may be modified and Director, Rehabilitation may be asked to take decision in the matter.

5. Mr. Lokendra Dobhal, learned counsel appearing for the respondent submits that he has no objection if the Director, Rehabilitation is asked to take decision in the matter.

6. Accordingly, we modify the judgment dated 27.07.2017 passed by learned Single Judge and in place of "Grievance Redressal Cell", "Director, Rehabilitation" is directed to take decision on the application filed by respondents for benefits under Rehabilitation Policy.

7. In view of the above, the special appeals are disposed of.