

(2023) 04 SHI CK 0042
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.1841 Of 2023

Raj Dei

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 06-04-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
Land Acquisition Act, 1894 — Section 4

Citation : (2023) 04 SHI CK 0042

Hon'ble Judges : Tarlok Singh Chauhan, J;Virender Singh, J

Bench : Division Bench

Advocate : Sanjay Dutt Vasudeva, Balram Sharma, Anoop Rattan, I.N. Mehta, J.S. Guleria, Yashwardhan Chauhan, K.B. Khajuria

Judgement

Tarlok Singh Chauhan, J

1. Notice. Mr. Balram Sharma, learned Deputy Solicitor of India, Mr. J.S. Guleria, learned Deputy Advocate General, Mr. Yashwardhan Chauhan, Advocate and Mr. K.B. Khajuria, Advocate waive service of notice on behalf of the respective respondents.

2. By way of instant petition filed under Article 226 of the Constitution of India, petitioner has prayed for issuance of direction to the respondent/State of Rajasthan to allot him land in District Sriganganagar on account of his being Pong Dam Oustee.

3. Mr. J.S. Guleria, learned Deputy Advocate General and Mr. Yashwardhan Chauhan, Advocate have put in appearance on behalf of respondent Nos. 2 to 6. They state that prayer made in the instant petition on behalf of the petitioner cannot be allowed till the time the eligibility certificate is not issued by the State of Himachal Pradesh certifying therein that the father of the petitioner was Pong Dam oustee and his land was acquired for construction of Pong Dam.

4. Petitioner, claiming himself to be the Pong Dam oustee, has prayed for

issuance of direction to the respondents to provide her land in the State of Rajasthan from the available pool. The averments contained in the petition as well as documents annexed therewith, clearly reveal that the father of the petitioner, namely, Narangu, was a Pong Dam oustee and his land was acquired for the construction of Pong Dam, vide notification under Section 4 of the Land Acquisition Act, 1894 alongwith other land owners for the construction of Pong Dam Project on 31.3.1961. As per Rehabilitation Scheme and agreement arrived inter se the State of Himachal Pradesh and the State of Rajasthan, land was to be allotted to the oustees in the State of Rajasthan in lieu of acquired land.

5. As per the averments contained in the petition, the land of the father of the petitioner, namely Narangu was acquired as mentioned above but till date she has not been provided land in the State of Rajasthan, as per Rehabilitation Scheme and agreement arrived inter se State of Himachal Pradesh and State of Rajasthan. Prayer made on behalf of the petitioner to recommend her case to the High Power Committee can only be made once the eligibility certificate is issued by the State of Himachal Pradesh specifically certifying therein the factum with regard to acquisition of land of father of the petitioner.

6. In the given facts and circumstances, as narrated hereinabove, this Court deems it fit to dispose of the present petition with a direction to respondent No. 3 to issue eligibility certificate in favour of the petitioner after verifying therein factum with regard to acquisition of land of father of the petitioner, namely, Narangu for construction of Pong Dam and in case, it is certified that the land of petitioner's father was acquired, the eligibility certificate be issued expeditiously, preferably within a period of four weeks. After issuance of eligibility certificate, if any, case of the petitioner be recommended to the High Power Committee recommending therein the allotment of land in favour of legal heirs of the father of the petitioner. On receipt of recommendations, if any, from the State of Himachal Pradesh, Committee is directed to consider and decide the case of the petitioner for allotment of land in the State of Rajasthan within a period of two months from the date of recommendation.

The pending application(s), if any, are also disposed of.