
(2010) 11 SHI CK 0431
In the High Court Of Himachal Pradesh
Case No : CWP 1294 of 2010

Ram Lok and Others

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 12-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0431

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Heard and gone through the record.

2. Petitioners, numbering 19, are the residents of certain villages, falling in the area of Gram Panchayats Namhol, Jhar, Khurd, Syahwa, Mankand, Mekri, Kothipura, Kutela, Charoli, Jagatkhana, Raghunathpura, Rajpura, Jot and Maikhi of Namhol Sub Tehsil of Bilaspur District. Respondent No. 4, J.P. Himachal Cement Plant, has acquired certain lands in Tehsil Arki of Solan District and Tehsil Sadar of Bilaspur District, for setting up a cement plant and construction of some residential accommodation and other buildings, for providing facilities to the employees. Plant is to be set up in the area of Tehsil Arki, while residences and other buildings for the staff are to be constructed in Sadar Tehsil of Bilaspur District. Re-settlement and rehabilitation Scheme was prepared by Respondent No. 4. As per that Scheme, transportation work, for transportation of raw material and the cement, is to be allotted to the persons, who have lost their lands, for setting up of the aforesaid Project. 70% transportation work is to be assigned to the people of Arki Tehsil of Solan District and 30% to the people of the affected Panchayats of Bilaspur District.

3. Petitioners, whose land has not been acquired, nor do they have their residences in the affected Panchayats of Bilaspur District, also want the benefit of transportation of raw material and cement, as given to the people of Arki Tehsil

and affected Panchayats of Bilaspur District. They have, therefore, filed the present writ petition, seeking a direction that they should also be allotted work of transportation, on par with the people of Arki Tehsil of Solan District and affected Panchayats of Bilaspur District, whose lands have been acquired.

4. Re-settlement and rehabilitation Scheme, copy of which is Annexure P-1, is meant for persons and families, whose lands have been acquired, in connection with the aforesaid Project, and not for the persons, who, though may be residents of that area, but whose lands have not been acquired.

5. Learned Counsel, representing the Petitioners, submits that even persons and the families, whose lands have not been acquired, are entitled to this benefit, per proceedings of Meeting, held on 8.2.2010 for allocation of transportation work of clinker and cement. Copy of recorded proceedings is Annexure P-5. It is conceded by counsel for the Petitioners that the Petitioners, or the residents of the Panchayats, in which the Petitioners have their residences, did not participate in the meeting. The proceedings record that 70% transportation work is to be allocated to Mangal Gram Panchayat and Arki Sub Division of Solan - 4 -District and 30% to affected Panchayats of Bilaspur District. Panchayats of Bilaspur District, in the area of which the Petitioners reside, are not the affected Panchayats, because no land, falling in the area of the Panchayats of the Petitioners, has been acquired. So, even, by virtue of Annexure P-5, Petitioners are not entitled to allocation of any transportation work.

6. In view of the above stated position, I do not find any merit, even on facts, in the present writ petition, what to speak of law points and other points, raised in the replies of the Respondents. Writ petition is, therefore, dismissed. Pending applications shall also stand dismissed.