
(2024) 12 UK CK 0125

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 839 Of 2022

Sohan Lal Kanswal And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 23-12-2024

Acts Referred:

Citation : (2024) 12 UK CK 0125

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Rajendra Dobhal, Suryakant Maithani, Shubhang Dobhal, M.S. Bisht

Final Decision : Dismissed

Judgement

Alok Kumar Verma, J

1. The case of the petitioners is that the petitioners are the oustee of Tehri Dam Project and the residents of different villages of District Tehri Garhwal. On 29.06.2010, the petitioner nos. 1, 2 and 4 and Late Mr. Sundar Lal, father of the petitioner no. 3, were allotted 200 Sq mt. plot for residential purposes and half acre of land for agriculture purposes by the respondent no. 5 in Shivalik Nagar, Haridwar, District Haridwar. Despite of the said allotment, the petitioners were not given possession over the land allotted to them for residential and agricultural purposes. A Writ Petition (No. 2110 (M/ S) of 2010) was filed. The said Writ Petition was allowed. A Contempt Petition was filed. The officers made a statement in the contempt petition that the actual possession of the allotted plot cannot be handed over to the petitioners due to pendency of civil litigation between B.H.E.L. and T.H.D.C.

2. Heard Mr. Rajendra Dobhal, learned Senior Advocate assisted by Mr. Suryakant Maithani, learned counsel holding brief of Mr. Shubhang Dobhal, learned counsel for petitioner s and Mr. M.S. Bisht, learned Brief Holder for respondent nos. 1 to 5.

3. Mr. Rajendra Dobhal, learned Senior Advocate, has contended that the civil litigation between B.H.E.L. and T.H.D.C. has been decided vide judgment dated 21.11.2019. A representation dated 03.04.2024 (Annexure No. 3 to the supplementary rejoinder affidavit of the petitioner no.1) was moved by the petitioner no. 1, which is still pending before the respondent no. 3, whereas, the land has already been allotted to the petitioner nos. 2, 3 & 4. Mr. Rajendra Dobhal, learned Senior Advocate, has requested to decide the present Writ Petition by directing the respondent no. 3 to decide the said representation of the petitioner no. 1 as expeditiously as possible, but not later than one month from the date of production of the certified copy of this order.

4. Mr. Rajendra Dobhal, learned Senior Advocate, has further requested to dismiss the writ petition filed in relation to the petitioner nos. 2, 3 and 4 as infructuous.

5. Mr. M.S. Bisht, learned Brief Holder, has sought six weeks' time to decide the said representation.

6 With the consent of both the parties, the present writ petition (M/S No. 839 of 2022) filed in relation to the petitioner no. 1 - Sohan Lal Kanswal is disposed of with a direction to the Rehabilitation Director / District Magistrate, Tehri Garhwal, the respondent no. 3, to decide the said representation dated 03.04.2024 (Annexure No. 3 to the supplementary rejoinder affidavit) within a period of six weeks' from the date of production of the certified copy of this order.

7. It is made clear that this Court has not expressed any opinion on the merits of the case.

8. The present Writ Petition filed in relation to the petitioner no. 2 – Balak Ram, petitioner no 3- Sekranand and petitioner no. 4 - Smt. Baisakhi Devi is dismissed as infructuous.