
(2018) 05 UK CK 0075

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No.05 of 2016

THDC INDIA LTD.

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 15-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0075

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Shobhit Saharia, Anurag Bisaria, Rajendra Dobhal, Ranjan G hildiyal

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. The petitioner has challenged the order dated 30.07.2015 passed by the Grievance Redressal Cell, by which the private respondents have been

declared eligible for getting the rehabilitation benefits under the rehabilitation scheme of the State Government. The private

respondents belong to Tehri Garhwal and claim that under the rehabilitation policy they were eligible for the benefits since their agricultural land was

acquired for the construction of Tehri Dam.

2. The claim of the private respondents has been allowed by the Grievance Redressal Cell on the ground that the father of respondent nos. 3 to 6

passed away on 08.03.1994, but even prior to that in the year 1952-1953, family partition took place and all the brothers were doing cultivation on their

respective demarcated agricultural field, though on record it could never be recorded.

3. The date of notification as well as cut-off date is 22.08.2001. It is true that

a partition suit was filed which was allowed in the year 2003 on the basis of earlier settlement between the parties. But the fact remains that the Grievance Redressal Cell has considered the objections of the THDC

that the order of partition is of the year 2003 though it is hit by 1976 rehabilitation policy wherein the land which has been subsequently acquired as a gift deed or purchase shall not be included for benefits of rehabilitation scheme.Â

4. In this case, Grievance Redressal Cell has considered all the aspects and has come to the conclusion that though the order of partition is of later

date but all the available evidence prove the fact that each of the brothers was operating as a separate unit and therefore liable for rehabilitation

benefits.

5. In view of the above, the writ petition fails and it is hereby dismissed.Â