
(2026) 03 UK CK 1357

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2742 Of 2022

Trilok Singh Rana

APPELLANT

Vs

Director Rehabilitation & Another

RESPONDENT

Date of Decision : 24-03-2026

Acts Referred:

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

Citation : (2026) 03 UK CK 1357

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : SRS Gill, Ganesh Kandpal, Sandeep Tiwari

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has assailed the order dated 28.06.2022 passed by the Director Rehabilitation, Tehri Dam Project (Respondent No.1), whereby the claim of the petitioner for grant of rehabilitation benefits has been rejected and the agricultural plot earlier allotted in his favour has been cancelled.

2. The facts, in brief, are that Village Nakot, Patti Raika, District Tehri Garhwal, came within the ambit of the Tehri Dam Project. Initially, the village was treated as partially affected up to RL 835 meters pursuant to the notification issued under Section 4 of the Land Acquisition Act, 1894 in the year 1999, followed by an award in 2003. Subsequently, owing to geological concerns and landslides noticed after the filling of the reservoir in the year 2005, a committee constituted in the year 2008 recommended displacement of villages up to RL 950 meters. In furtherance thereof, a fresh identification exercise was carried out and a list of eligible persons for grant of agricultural plots was finalized and approved by the Director Rehabilitation on 18.09.2009. The petitioner claims to be the son of late

Padam Singh Rana, who died on 04.02.2004. It is stated that though the petitioner is a legal heir, his name was not initially recorded in the revenue records due to certain mutation discrepancies, which were later corrected vide order dated 25.09.2009 passed by the competent revenue authority. It is the case of the petitioner that upon consideration of his claim, the then Director Rehabilitation approved his eligibility on 26.10.2012, and pursuant thereto, an agricultural plot bearing No. 14 at Aam Bagh, Pashulok, Rishikesh was allotted to him on 08.02.2013. However, subsequently, the State Government issued orders dated 26.10.2013 and 18.11.2013, inter alia providing that allotments made without prior approval of the State Government after 25.10.2012 would stand cancelled and the cases would be reconsidered afresh. Thereafter, upon inquiry by a committee, the impugned order dated 28.06.2022 came to be passed, cancelling the petitioner's allotment and rejecting his claim for rehabilitation. Hence, he has approached this Court by means of present writ petition.

3. Learned counsel for the petitioner submits that the impugned order is arbitrary, illegal and violative of principles of natural justice. It is argued that the petitioner is an undisputed legal heir of late Padam Singh Rana and his exclusion from the revenue records prior to 25.09.2009 was merely on account of an administrative lapse, which stood rectified by a lawful mutation order. It is contended that mutation entries are declaratory and fiscal in nature and merely recognize pre-existing rights, therefore, the petitioner's entitlement cannot be defeated on the hyper-technical ground that his name was not reflected in the revenue record as on 18.09.2009.

4. It is further submitted by the learned counsel for the petitioner that once the competent authority, i.e., the Director Rehabilitation, had approved the petitioner's eligibility and an allotment had been made in his favour in the year 2013, a valuable right had accrued to the petitioner, which could not have been taken away after a lapse of several years without cogent reasons. Learned counsel also contends that the impugned order has been passed mechanically, solely relying upon the date of revenue entry, without considering the effect of the mutation order, the petitioner's status as a legal heir, or the earlier approval granted by the authority itself. It is also argued that the petitioner has been discriminated against, inasmuch as similarly situated co-sharers, namely his step-brothers, have been granted the benefit of rehabilitation, whereas the petitioner alone has been excluded. Lastly, it is submitted that no effective opportunity of hearing was granted to the petitioner prior to passing of the impugned order, rendering the same vitiated in law.

5. The learned counsel for the respondent/State contends that the eligibility for grant of rehabilitation benefits was determined strictly on the basis of revenue records as they stood on the date of finalization of the list, i.e., 18.09.2009, and since the petitioner's name was admittedly not recorded in the revenue records on that date, he was rightly held to be ineligible. It is further submitted that the petitioner's name came to be recorded in the revenue records only on

25.09.2009, i.e., after the final list had already been approved, and therefore, he cannot claim inclusion in the said list as a matter of right.

6. Learned counsel for the respondents also argues that the petitioner was not a resident of Village Nakot and was residing in Dehradun, and that his name was subsequently got entered in the revenue records only with a view to avail the benefits of rehabilitation, which were otherwise not available to him. It is further contended that the approval granted by the Director Rehabilitation on 26.10.2012 and the consequent allotment made in 2013 were in violation of the Government instructions dated 25.10.2012, which mandated prior approval of the State Government. In the absence of such approval, the allotment was illegal and liable to be cancelled. It is also submitted that the petitioner was afforded an opportunity of hearing in the year 2014 in connection with the reconsideration of his eligibility, but he failed to avail the same, and therefore, he cannot now complain of violation of principles of natural justice.

7. It is also argued by the learned counsel for the respondents that the impugned order has been passed on the basis of the report of a duly constituted inquiry committee, and no interference is warranted in exercise of writ jurisdiction.

8. Having heard the learned counsel for the parties at length and upon perusal of the material available on record, this Court proceeds to examine the controversy involved in the present writ petition. At the outset, it is not in dispute that the final list of eligible persons for grant of rehabilitation benefits was approved on 18.09.2009, and that the petitioner's name did not find place in the revenue records as on the said date. It is equally undisputed that the petitioner's name came to be recorded in the revenue records subsequently on 25.09.2009. In this backdrop, the issue which arises for consideration is not merely confined to the absence of the petitioner's name in the revenue records on the relevant date, but extends to whether the authority, while passing the impugned order, has duly adverted to all relevant factors bearing upon the petitioner's entitlement. A perusal of the impugned order dated 28.06.2022 indicates that the rejection of the petitioner's claim is founded primarily on the solitary ground that his name was not recorded in the revenue records as on 18.09.2009. However, the order is conspicuously silent as regards the effect of the mutation order dated 25.09.2009, and does not examine whether such mutation was merely declaratory of a pre-existing right arising out of inheritance. The impugned order further fails to consider the petitioner's specific case that he is a legal heir of late Padam Singh Rana, who admittedly died on 04.02.2004, nor does it examine whether, on such basis, the petitioner was otherwise entitled to be treated as a project-affected person in terms of the applicable rehabilitation policy.

9. Another aspect of significance is the stand of the respondents that the petitioner was not a resident of Village Nakot and was residing at Dehradun. This issue, being a question of fact going to the root of eligibility, required due consideration on the basis of relevant material. However, the impugned order does not reflect any such examination or determination. Though the respondents

have sought to justify the impugned action by contending that an opportunity of hearing was afforded to the petitioner in the year 2014, the impugned order dated 28.06.2022, which entails serious civil consequences, ought to have demonstrated an independent and reasoned consideration of all relevant aspects. The absence of such consideration renders the order unsustainable. In the considered opinion of this Court, the impugned order dated 28.06.2022 suffers from non-application of mind, inasmuch as it proceeds on a singular parameter, namely the date of entry in the revenue records, without adverting to other material considerations such as inheritance, residence and the circumstances attending the mutation in favour of the petitioner. This Court is mindful that in matters pertaining to rehabilitation schemes, adherence to cut-off dates and administrative finality assumes significance. However, exclusion of a claimant must be founded upon a holistic and reasoned determination of all relevant factors and cannot be sustained on a purely mechanical application of a single criterion.

10. In view of the aforesaid, the writ petition deserves to be allowed. Accordingly, the same is allowed.

11. Consequently, the impugned order dated 28.06.2022 passed by the Director Rehabilitation, Tehri Dam Project/District Magistrate, Tehri Garhwal (Respondent No.1) is hereby set aside. The matter is remitted to the said authority to consider the claim of the petitioner afresh, strictly in accordance with law.

12. While undertaking such exercise, the competent authority shall, inter alia, examine the petitioner's claim of inheritance arising prior to 18.09.2009, his status as a resident of Village Nakot at the relevant time, the nature and effect of the mutation order dated 25.09.2009, and the applicability of the relevant Government Orders governing grant of rehabilitation benefits.

13. The petitioner shall be afforded a reasonable opportunity of hearing and of placing all relevant material in support of his claim.