
(2019) 06 UK CK 0122

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1839 Of 2019

Uma Dutt Nautiyal & Another

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 26-06-2019

Acts Referred:

Citation : (2019) 06 UK CK 0122

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Anil Anthwal, Suyash Pant

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. Petitioners claim to be tenure holders of agricultural land situated at Village Hatwalgaon in Tehri Garhwal.

2. The contention of the petitioners before this Court is that the land acquisition proceedings were initiated early in 1980s for the construction of "Tehri Dam" and the petitioners at that time were minor and therefore no benefit was granted to them for the acquisition proceedings as wrongful claim was made by the others who have been granted this benefit. The petitioners claim that benefit should be given to them or at least they should be rehabilitated somewhere else. Since, the petitioners were not rehabilitated elsewhere, petitioner no.1 had preferred a writ petition before this Court being WPMS No.3750 of 2018, which was disposed of by a learned Single Judge of this Court vide order dated 15.12.2018 with the direction to the Director Rehabilitation/District Magistrate, Tehri Garhwal to decide the application of the petitioner as expeditiously as possible.

3. Consequently, the representation of the petitioners was considered by the Director Rehabilitation/ District Magistrate, Tehri Garhwal and he passed a speaking order on 14.05.2019, which is presently under challenge in the present

writ petition.

4. In the said order, it has been categorically stated that the land on which the petitioners raised their claim was recorded in the name of one Late Hansram. Thereafter the land was recorded in the name of his sons, namely, Jogeshwar and Dasrath, who also by now passed away as Dasrath died in the year 1975 and Jogeshwar died in the year 1981.

5. When the land acquisition proceedings were initiated for the said land, it was found that Baisakhu S/o Matbaru who was in possession of the said land was given the benefit and Baisakhu being in the possession of the said land was declared initially as "Shirdar" and then "Bhumidhar". So 'Bhumidhari" right on the said land was of the family of Baisakhu who have been granted such benefit under the law, including the benefit of rehabilitation.

6. There is nothing on record to suggest that petitioners' name was either in the public record or they were on the possession of the property, therefore, the claim of the petitioners has been rejected. Aggrieved, the petitioners have filed the present writ petition.

7. Having considered the claims of the petitioners, not only in view of the order passed by this Court in writ petition being WPMS No.3750 of 2018 the claim of the petitioners was considered but a well speaking order has been passed by the Director, Rehabilitation. Apart from this, the claim of the petitioners before this Court is highly belated and extremely weak as they have nothing to show that they were in actual possession of the said land and therefore liable to be given the benefit.

8. The writ petition has no merit and it is hereby dismissed.