

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No.17298 of 2015 (O&M)
Decided on 29.3.2016**

Sarabjit Kaur and others

--Petitioners

Vs.

Union of India and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Gaurav Sharma, Advocate, for the petitioners

Mr. S.K.Sharma, Senior Penal Counsel, for Union of India

Rakesh Kumar Jain,J: (Oral)

CM No.566 of 2016

Application is allowed. Reply filed on behalf of respondent

Nos.1 to 3 is taken on record.

CWP No.17298 of 2015

This petition is filed for a direction to respondent Nos. 2 to 4 to allow the petitioners to cultivate their land as well as the land taken on lease from the villagers which is situated beyond the wire fencing of the border.

Petitioner Nos. 1 and 2 are the residents of village Gajjal, Police Station Khemkaran, Tehsil Patti, District Taran Taran and petitioner No.3 is resident of village Rattoke, Police Station Khemkaran, Tehsil Patti, District Taran Taran. It is averred that there is land situated

beyond the wire fencing at India-Pakistan border in the area of village Gajjal at gate No.172/1 and in the village Rattoke at gate No. 166/M and they have been issued gate passes by the Border Security Force.

The petitioners' agitation is that they have not been allowed to cultivate their land and also the land they have taken on lease from the villagers which is within the border of India- Pakistan.

After notice, reply has been filed on behalf of respondent Nos. 1 to 3 in which it is averred that petitioner Nos. 1 and 2 have not yet made any application for grant of gate passes. Insofar as petitioner No.3 is concerned, it is submitted that gate pass/ certificate issued to him has already been expired on 31.1.2015 and so far, he has not applied for renewal of the said pass. It is submitted that if the petitioners apply for gate pass/ I Card, the same shall be considered by the B.S.F authority in accordance with law.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, this petition is disposed of with liberty to the petitioners to apply for gate pass/ I Card to respondent Nos. 2 and 3 who would decide the same as early as possible, preferably within a period of one month from the date of filing of the application.

29.3.2016
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(Rakesh Kumar Jain)
Judge