

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.6341 of 2015 (O&M)
Decided on : 27.05.2016**

Jodha Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.J.P.S.Sidhu, Advocate,
for the petitioner.

Mr.A.P.S.Mann, Addl., AG., Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner challenges order dated 28.7.2014 (Annexure P10) whereby his case for appointment to one of the family members owing to acquisition of land measuring 4K-3M has been rejected on the ground that it does not fall within the cases of exceptional hardship.

Perusal of the order would go to show that the rejection is based on the recommendations of the Committee who were to examine the cases falling between 4K to 2 acres.

Counsel for the State would contend that the land is less than 4 acres and, therefore, rejection has been done.

Counsel for the petitioner, on the other hand, submits that the land measuring was 4K-3M. Reference is made to Annexure P-9 to submit that compensation to the tune of ₹ 12,73,161/- was paid in favour of Pal Kaur wife of the petitioner. Specific averment has also been made in para.

10 of the paper-book in support of the said contention. The State in its reply

does not deny the said fact.

Accordingly, the present writ petition is allowed by quashing order dated 28.7.2014 (Annexure P-10). The respondents shall firstly confirm the land holding of the petitioner. In case, the petitioner's claim is based on 4K of land acquired, then his case will be processed in view of the directions issued by this Court in CWP No.16541 of 2014; **Baldev Singh v. State of Punjab and others** decided on 28.3.2016 to assess whether the case falls within the ambit of exceptional hardship. Respondent No.3 shall do the necessary exercise within 6 months from the receipt of the certified copy after giving the petitioner to submit necessary documents in this regard.

May 27, 2016
Paritosh Kumar

(G.S. SANDHAWALIA)
JUDGE