

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: April 19, 2017

1. CWP No.8379 of 2013

Surinder Kaur @ Subinder Kaur

...Petitioner

Versus

State of Haryana & others

...Respondents

2. CWP No.10884 of 2009

Varinder Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.R.D.Bawa, Advocate,
for the petitioner in CWP No.8379 of 2013.

Mr.Rajiv Kataria, Advocate,
for the petitioner in CWP No.10884 of 2009.

Mr.Rajbir Singh, AAG, Haryana,
for the State.

Mr.Karminder Singh, Advocate,
for respondent Nos.2 & 3 in CWP No.8379 of 2013.

Mr.Rajesh Goyal, Advocate for
Mr.Pritam Saini, Advocate,
for respondent No.4 in CWP No.8379 of 2013.

AMIT RAWAL, J. (Oral)

By this order, I intend to dispose of two Civil Writ Petitions

bearing No.8379 of 2013 and 10884 of 2009 as the common questions of

law and fact are involved. The facts are being taken from CWP No.8379 of 2013.

The petitioner has approached this Court claiming the following relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of Mandamus or any other appropriate writ directing the respondents, more particular respondent no.1 to allot land to the petitioner, the petitioner being a War Widow of 1962 Indo-China war as is being allotted to the War Widows of 1962 by the sister State-the State of Punjab by making a provision in Punjab Package Deal Properties (Disposal) Rules, 1976, as the State of Haryana was part of Joint Punjab during the Chinese Operation of 1962 or by following the policy dated 28.06.1965 (Annexure P-5) issued by the Govt.of joint Punjab for allotment of land to the War Widows of Indo-China War of 1962

AND/OR

for issuance of any other directions as welfare measure of War Widow in the State of Haryana.

AND/OR

For issuance of a direction to the Govt.of India to direct the Rajasthan Govt.to allot alternative land to the petitioner in lieu of 25 bighas of land allotted to the petitioner by Rajasthan Govt.in District Sri Ganga Nagar vide order dated 26.09.1966 (Annexure:P-2), but not accepted by the petitioner, the said land being not fit for irrigation and cultivation as reported in the report of Patwari concerned endorsed on the order itself.”

However, vide order dated 22.4.2013 passed in CWP No.8379 of 2013, the petitioner had given up her claim against the State of Haryana and the State of Rajasthan and notice was issued to respondent Nos.2 and 3 only, i.e., the Union of India. The order reads thus:-

“Learned counsel for the petitioner submits that petitioner does not intend to press her claim against the State of Haryana-respondent No.1 as well as against the State of Rajasthan-respondent No.4.

Notice of motion to respondents Nos.2 and 3 only for 18.7.2013.”

Mr.Karminder Singh, learned counsel for respondent Nos.2 and 3 in CWP No.8379 of 2013 has drawn the attention of this Court to the affidavit dated 26.3.2015 of Mr.S.K.Parida, Under Secretary in the Freedom Fighters and Rehabilitation Division, Ministry of Home Affairs, Government of India to contend that there is no scheme under the present Ministry of Home Affairs for providing relief and rehabilitation assistance to the families of the soldiers killed during Chinese war or any other wars. The affidavit reads as under:-

“I the above named deponent to hereby solemnly affirm and declare as under:-

1. *That the petitioner is a war Widow of Indo-Chine War of 1962. As per Rule 6(11) of Rajasthan Special Assistance to Disabled Ex-servicemen and Dependents of deceased Personnel (Allotment of Land) Rules, 1963, she was allotted 1 Muraba (25 bighas) of land in Chak No.13 APD, Rajsav, Tehsil Anoopgarh District, Sri Ganga Nagar, Rajasthan. That the possession of the same was not accepted by the petitioner, the land being not cultivable.*

2. *It is no where mentioned the role of the 2nd Respondent i.e., the then Ministry of Supply and Rehabilitation (Department of Rehabilitation), New Delhi, which was dealing with the administration, management and disposal of evacuee properties and the work of providing relief assistance to the displaced persons from erstwhile West and East Pakistan. Since the rehabilitation works were by and large completed, the then Ministry of Supply and Rehabilitation was merged with*

Ministry of Home Affairs around 1985.

3. There was no Scheme under the then Ministry of Supply and Rehabilitation nor there is any scheme under the present Ministry of Home Affairs for providing relief and rehabilitation assistance to the families of the soldiers killed during Chinese war or any other wars.”

It has also been submitted that the petitioner, being war widow of Indo-China War of 1962, as per Rule 6(11) of the Rajasthan Special Assistance to Disabled Ex-servicemen and Dependents of deceased Personnel (Allotment of Land) Rules, 1963, was allotted 25 bighas of land in Chak No.13 APD, Rajsav, Tehsil Anoopgarh District, Sri Ganga Nagar, Rajasthan, the possession of which was not accepted by her.

In view of the aforementioned fact, the mandamus as sought cannot be granted. Resultantly, the writ petitions stand dismissed.

April 19, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No