

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

107

(PROCEEDINGS THROUGH V.C.)

CWP-19203-2021

DATE OF DECISION: SEPTEMBER 27, 2021

LAXMAN SINGH AND OTHERS

.....Petitioners

VERSUS

UNION OF INDIA AND OTHERS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Bhisham Kumar Majoka, Advocate,
for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Saigeeta Srivastava, Advocate,
for UOI.

Mr. Raman Kumar Sharma, Addl.Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court with a grievance that despite the order passed by this Court in Civil Writ Petition No.26731 of 2014 (Laxman Singh and others Vs. Union of India and others) on 24.12.2014 (Annexure P-3), wherein directions were issued to consider the claims as put forth by the petitioners in their representation dated 01.12.2014 (Annexure P-2). However, no decision has been taken despite they having approached the authority for implementation of the said order. Petitioners in fact have approached this Court at this stage in pursuant to the public notice, which has been issued by the Railway Administration,

according to which unauthorized *jhuggis*/huts on the railway land will be removed on 29.09.2021. Petitioners admittedly belong to the poor strata of the Society and as per their claim, are living in the slums for the last 40 years in Ram Nagar Colony located at NIT, Faridabad.

On 23.09.2021, when the case was taken up for hearing, this Court has passed the following order:-

“ On the asking of the Court, Ms.Sai Gita Srivastav, Advocate, assisting counsel to Sh.Satya Pal Jain, Additional Solicitor General of India, accepts notice on behalf of respondent Nos.1 and 2 and Mr.Raman Kumar Sharma, Additional Advocate General, Haryana, has put in appearance on behalf of respondent Nos.3 to 5.

*Hearing of the case is deferred to **27.09.2021**, on which date counsel for the respondents shall inform the Court the outcome of the steps taken in pursuant to the order dated 24.12.2014 (Annexure P-3) passed by this Court in Civil Writ Petition No.26731 of 2014 (Laxman Singh and others Vs. Union of India and others). ”*

In pursuance of the above referred order, learned Additional Advocate General, Haryana, has produced an order dated 21.05.2015 passed by the Deputy Commissioner, Faridabad, wherein, in compliance with the orders passed by this Court in Civil Writ Petition No.26231 of 2014 (Gopi Kishan and others Vs. Union of India and others) and Civil Writ Petition No.26731 of 2014 (Laxman Singh & others Vs. Union of India & others), on consideration of the representation of the petitioners therein and giving them an opportunity of hearing as also associating the officials of the

Government of Haryana and the Railway Department, their claim was rejected by observing as under:-

“After perusal of the documents submitted by petitioners and respondents Railway Department it has been found that petitioners have illegally encroached upon the Railway Land since 20-25 years. Railway Department has only issued notices to the illegal encroachers and now this land is required for the construction of the boundary wall along the Railway line for safety of the public from the High Speeds Trains. As per the version of the Railway Officers they have no policy for the resettlement of the persons who have encroached upon the Railway line.

That in view of the above facts and report dated 08.05.2015 submitted by Joint Commissioner, NIT, Faridabad, as Railway Department has no policy for resettlement for the petitioners, as they have illegally encroached upon the Railway land. Since the land belong to Central Govt. hence claim of the petitioners are rejected in both the writ petitions (CWP No.26231 of 2014 & CWP No.26731 of 2014). Therefore, representation are decided accordingly.”

Learned counsel for the State, on the basis of the above, submits that the assertion of the petitioners that no further action has been taken by the competent authority in pursuance of the directions issued by this Court, would not be correct. Referring to the endorsement, it is contended that copies of these orders have been duly communicated to the petitioners as well.

In the light of the above, counsel for the petitioners states that as a matter of fact, the petitioners did not receive the said order and, therefore, were not aware of such order having been passed. He, however, submits that the petitioners would submit a detailed representation to the competent authority of the railways for getting benefit of the Pardhan Mantri Awas Yojna, 2015 and National Rehabilitation & Resettlement Policy of the Central Government under which schemes/policies of the Central Government, the claims of the petitioners would be covered. The said representation would be submitted by the petitioners within a period of one week from today.

In case the petitioners submit such a representation, as has been stated by the counsel for the petitioners within a period of one week from today, the competent authority, as per the abovesaid policies, shall proceed to consider the same and pass appropriate orders in accordance with law within a period of three months from the date of receipt of the representation.

Till the decision is taken on the representation of the petitioners, status-quo with regard to possession, as it exists today, shall be maintained.

It is made clear that this Court has not commented upon the merits of the case and, therefore, passing of this order does not mean that any equity or right would accrue to the petitioners. Their claim(s) would be decided by the competent authority as per the said policies without being influenced by any observation made by this Court in accordance with law.

With the above observations, the writ petition stands disposed
of.

(AUGUSTINE GEORGE MASIH)
JUDGE

September 27, 2021
khurmi

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No