

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

107

CWP-18902 of 2016 (O&M)

Date of decision: 08.02.2023

Kamla Devi and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S.Kahlon, Advocate, for the petitioners.  
Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

C.M.No.10406-2019

Allowed as prayed for.

Replication is taken on record.

MAIN

1. The petitioners pray for the issuance of a writ in the nature of mandamus to provide job to the petitioner on account of involuntary acquisition of her land for development of Shahpurkandi project. Though, the notifications were issued under Sections 4 and 6 of the Land Acquisition Act, 1894, however, the award was passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner no.1 claims that she, being a landless lady, falls within the definition of landless oustee, whose house has been acquired involuntarily. The petitioner claims that the respondents have adopted the policy dated 18.11.1993 for rehabilitation and re-settlement of the oustees of area surrounding Ranjit Sagar Dam with certain modifications.

2. In response to the writ petition, in para 4 of the reply, the respondents have stated as under:-

*“That the claim of the petitioner No. 01 namely Kamla Devi wife of Dalbir Singh was considered by the committee constituted by the Chief Engineer SPK Dam (P), Irr. Works, Punjab, Shahpurkandi Township for verification of cases of Dam Oustee of Shahpurkandi Dam Project on the basis of representation dated 20.12.2015 (Annexure P-3) submitted prior to the present writ petition, Rehabilitation and Resettlement Policy (Annexure R-1 & R-2/T) and Verification Report (Annexure R-3/T) and its true copy as (Annexure R-3) submitted by the Land Acquisition Officer, Shahpurkandi Dam Project, Tehsil and District Pathankot and it has been found that only structure of the petitioner No. 01 was acquired by Shahpurkandi Dam Project. It is further submitted that out of 50 Marlas land, only 08 Marlas land of Sh. Dalbir Singh who is husband of the petitioner No. 01 was acquired by Shahpurkandi Dam Project which comes to 16%. It is pertinent to mention here that the Petitioner No. 01 namely Kamla Devi wife of Dalbir Singh, Petitioner No. 02 namely Raghunath Singh son of Dalbir Singh and Sh. Dalbir Singh son of Raj Singh constitute a single oustee family and their 16% land along with house has been acquired which is far less than the criteria laid down under the clause 8 (1) of the Rehabilitation and Resettlement Policy dated 18.11.1993. Hence the claim of the petitioner No. 01 was rejected by the the committee constituted for verification of cases of Dam Oustee of Shahpurkandi Dam Project and the decision taken in the meeting which was held on 05.10.2016 was conveyed to the petitioner No. 01 by the Member Secretary cum Executive Engineer, Shahpurkandi Dam IND Division No. 04, Shahpurkandi Township vide No. 997-1002/17-W dated 17.03.2017 which is annexed as Annexure R-4.”*

3. The learned counsel representing the petitioners while referring to Clause 8(ii) of 18.11.1993 policy submits that the petitioner no.1 would fall within the scope of Clause 8(ii) as she is not the owner of the land.

4. This court has considered the submissions, however, finds no substance therein.

5. It is evident from the assertions made by the respondents that the husband of the petitioner no.1 was owner of 50 marlas of land, out of which 8 marlas of land has been acquired. It is noted here that petitioner no.2 is the son of petitioner no.1.

6. Keeping in view the aforesaid facts, the petitioners' claim for appointment to a job under the policy has been correctly rejected.
7. Consequently, finding no merit, the writ petition is dismissed.
- 8 All the pending miscellaneous applications, if any, are also disposed of.

February 08, 2023  
nt

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No