

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

214

CWP-2990-2015

Date of Decision: November 20, 2023

Smt. Veer Kaur

.....Petitioner(s)

Vs.

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.D. Bawa, Advocate and Mr. Randhir Bawa, Advocate
Mr. Dipanshu Kapur, Advocate for the petitioner(s).

Ms. Anju Sharma Kaushik, DAG, Punjab.

Mr. Pritam Saini, Advocate for respondent No.3

RAJESH BHARDWAJ J. (ORAL)

The petitioner is before this Court praying for issuance of writ in the nature of mandamus directing the respondent no.1 to allot 10 ordinary acres of land to the petitioner under Rule 4 of the Package Deal properties (Disposal) Rules, 1976, being a War Widow as her husband sacrificed his life for the country while defending the borders of the country, during Indo-China War of 1962.

2. This Court had issued notice in the case and vide order dated 21.01.2019 directed the State of Rajasthan to be impleaded as party. On impleadment, respondent No.3 was directed to file an affidavit and the same has been placed on record. On perusal of the said affidavit, it is found that no land was allotted to the petitioner in the State of Rajasthan.

3. Thus, the contentions of respondent-State of Punjab in the affidavit filed by Deputy Commissioner that the record from Rajasthan is not available is of no consequence as the affidavit of Bharti Fulfakr, SDM, Sri

Vijay Nagar has been placed on record wherein it is stated that no land was allotted to the petitioner.

4. Learned State counsel has drawn attention of this Court to the affidavit filed by the Sh. D.P.S. Kharbanda, Deputy Commissioner Kapurthala dated 28.09.2019 to the effect that the petitioner being a war widow of 1963 in Indo-China War, is not entitled to claim allotment of land in State of Punjab under the Provisions of Punjab Package deal Properties (Disposal) act, 1976. However, after reading the affidavits filed by the State earlier wherein it has been mentioned that the petitioner had been allotted land in Rajasthan and because of the non-availability of the record from Rajasthan, the case could not be proceeded further. The reply filed by the Deputy Commissioner-Sh. D.P.S. Kharbanda, would show that abovesaid fact was not taken into consideration while considering the claim of the petitioner for the allotment of land as a War Widow.

5. On hearing learned counsel for the parties this petition is disposed of with a direction to Deputy Commissioner, Kapurthala to take into consideration the complete record of this case including the affidavit filed today by SDM Srivijaynagar, District Anupgarh and thereafter pass a fresh order on hearing the petitioner and her case would be decided expeditiously, preferably within three months from the date of receipt of certified copy of this order.

(RAJESH BHARDWAJ)
JUDGE

November 20, 2023
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Whether speaking/reasoned: Yes/No
Whether reportable: No