

106

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

CWP-25871-2022

Date of decision:04.052023

BALWANT KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Mohit Aneja, Advocate for
Mr. Rahul Sharma, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Short reply on affidavit has been furnished to the petition by the State, which is taken on record.

2. The present petitioner is the widow of late Havaladar Kehar Singh, who laid his life defending the borders of the country from the onslaught of the enemy forces. For honouring the exhibition of gallantry of one Havaladar Kehar Singh, his surviving widow-the present petitioner, was allotted 10 acres of land, on 08.08.1997, at village Khera Bet, Tehsil and District Ludhiana. The symbolic possession of the said allotted land to the petitioner was delivered to her on 18.05.2009. However, it subsequently emerged that out of the 10 acres of land, as became allotted to the petitioner yet only symbolic possession was assignable to her of only of 8 acres, as the remaining 2 acres of land was under forest cover.

3. The above mere handing of symbolic possession of the lands thus allotted to the petitioner, led her to access this Court through hers instituting a

CWP-8683-2010 before this Court. In pursuance to the directions made in the

said writ petition, the petitioner was allotted lands, on 13.09.2011 (Annexure P-1) in village Noorpur Bet, and, as also the requisite mutation was attested in favour of the petitioner. However, the petitioner was not assigned any revenue rasta, for enabling her to fully utilize the land, and/or, for her becoming enabled to exercise her indefeasible easmentary rights, and, that too despite directions being made on 08.04.2015, by the Director, Land Records, Punjab, to the Revenue Officer-cum-Consolidation Officer, Ludhiana.

3. The consequence of no revenue rasta being assigned to the widow of deceased martyr, who laid his life fighting for the country, brings the ill consequence qua the said allotment being completely purposeless, as she became evidently disabled to enjoy the allotted land since the year 2009.

4. Though, the learned State counsel intimates this Court, that as of now a rasta has been allotted to the petitioner, but the said allotment is belated, and, also is the result of the petitioner being led to access this Court, whereas, given the valiant services rendered to the nation by her husband, but required that the authorities concerned, taking prompt action for the relevant purpose, rather than theirs taking to be indolent, and, apathetic, to the requirement(s) of the present petitioner.

5. The valiant services of able soldier of the Indian Army, who is the deceased martyr of the present petitioner, but required to be not dealt with gross apathy, and, indifference, rather required that the honour which is to be bestowed, upon his surviving family members, thus becomes bestowed with utmost promptitude besides with lack of indifference and apathy.

6. However, as above stated the above requirement of prompt honour(s) becoming bestowed, upon the surviving members of a martyr or to a soldier who laid his life fighting for the country, is completely amiss. Therefore, such evident indifference and indolence, on the part of the respondents

concerned, is required to be deprecated in the strongest terms. Moreover, the petitioner being led to access this Court, and, that too repeatedly rather for ensuring that the honours bestowed upon the surviving members of a deceased martyr, become fully potentialized was also completely unnecessary. Since evidently she has been so driven. Therefore, for the petitioner becoming unnecessarily dragged into litigation, and, that too repeatedly, thus requires that direction(s) to monetarily recompense, the petitioner, becoming rendered upon the respondents concerned.

7. In consequence, this Court as a compensatory measure towards the present petitioner, for the above indolence and lethargy, on the part of the officials concerned, besides for the petitioner being led to repeatedly access this Court, thus directs the State of Punjab to forthwith remit a sum of Rs.5 lacs into the savings bank account of the petitioner.

8. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

04.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No