

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-3798-2024 (O&M)
Date of decision: 26.02.2024

Om Parkash and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Munish Mittal, Advocate for the petitioners.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to not to take any coercive steps against the petitioners regarding the facilities provided to them by the Government on account of their belonging to SC category (OD Caste), till the decision of the Civil Suit by the Additional Civil Judge (Sr. Divn.), Rajpura, District Patiala.
2. Learned counsel for the petitioners contends that the petitioners were originally residents of Bhawalpur, (now situated in Pakistan) and their ancestors had migrated to India at the time of partition. The land was allotted to their ancestors by the Rehabilitation Department in villages Nala Khurd, and Sural Kalan, Tehsil Rajpura, District Patiala. The petitioners belongs to “OD” community but at the time of allotment of land, their caste was mentioned as “OD” Rajput despite the petitioners being members of the S.C.

Community. The same was also so incorporated in the revenue record as well and the said error went un-noticed. The petitioners were however duly issued SC Certificates by the Government of Punjab. Till recently, the above said fact went un-noticed. This anomaly came into notice of the petitioners when Kashmir Chand was elected as Sarpanch. A complaint was thereafter made on 22.08.2019 by Pala Singh and Bachan Singh against him regarding his caste and that he was not an “OD” Scheduled Caste and was rather “OD” Rajput. Hence, he could not contest against a S.C. reserved post of the Sarpanch. A writ petition was filed by Kashmir Chand before this Court, wherein an interim order was passed on 13.01.2022, on the basis of the documents/certificates issued by the Department of Revenue, Government of Punjab (Pakistan). It is also contended that the petitioners have already filed a Civil Suit before the Addl. Civil Judge (Sr. Divn.), Rajpura, for correction in the Revenue Record including *Kursinama* of village Kalauli by deleting the word ‘Rajput’ in the column of Caste and after the word “OD”.

3. Learned counsel for the petitioners further contends that the respondents have, however, planned to initiate coercive steps against the petitioners by relying on the above said mistake in the revenue record. It is further submitted that the petitioners have already sent a legal notice dated 23.01.2023 (Annexure P-20) to the respondents authorities and that they would be satisfied at this juncture, in case, directions are issued to the respondent-authorities to take a decision on the same prior to initiating any coercive steps.

4. Learned State counsel has no objection to the same.

5. In view of the above, the present writ petition is disposed of at this stage with the consent of the parties and without commenting on the merits of the case and with a direction to respondent No.2-Joint Secretary, Department of Social Justice, Empowerment & Minorities-cum-Chairman State Level Scrutiny Committee, Punjab to consider the aspects highlighted by the petitioners in the legal notice dated 23.01.2023 (Annexure P-20) and to pass a reasoned order thereupon, in accordance with law and after granting opportunity of hearing to the respective parties or authorized representative(s).

6. Let the needful be done within a period of four months of receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

26.02.2024

Mangal Singh

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