IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 649 of 2019 a/w CWP Nos. 644 to 646, 648, 703 and 3514 of 2019

Decided on: 31.10.2025

CWP No. 649 of 2019

Sh. Jiwa Nand ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 644 of 2019

Shri Sabir Dass ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 645 of 2019

Shri Bhagat Ram ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 646 of 2019

Smt. Sheela Devi ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 648 of 2019

Sh. Ravinder Singh ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 703 of 2019

Shri Bhagat Ram ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

CWP No. 3514 of 2019

Shri Reva Ram ….Petitioner.

Versus

Satluj Jal Vidyut Nigam Ltd. and another …Respondents.

Coram
The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1] *Yes.*

For the petitioner(s): Mr. Vinay Mehta, Advocate, in all the petitions.

For the respondent(s): Ms. Devyani Sharma, Senior Advocate, with Ms. Srishti Negi, Advocate, for respondent-SJVNL, in all the petitions.

Mr. Pushpender Jaswal, Additional Advocate General, for respondent-State, in all the petitions.

Ajay Mohan Goel, Judge *(Oral):*

As common issues of fact and law are involved in these petitions, they are being disposed of vide a common judgment.

2. The petitioners before this Court are claiming the relief of issuance of a direction to respondent No. 1-Satluj Jal Vidyut Nigam Ltd. to allot the plots to them under the Scheme of Rehabilitation and Resettlement

1 *Whether reporters of the local papers may be allowed to see the judgment?*

of SJVNL for Project Affected Houseless Families, rendered landless families. The case of the petitioners is that in the year 1990-91, respondent-1/Satluj Jal Vidyut Nigam Ltd. acquired land and houses of the petitioners for the construction of Nathpa Jhakri Hydro Power Project and the compensation was awarded to them by the Land Acquisition Collector, SJVNL, which was received by the petitioners, purportedly under protest. As per the petitioners, after land acquisition proceedings, Rehabilitation and Resettlement Scheme, which is appended with CWP No. 649 of 2019 as Annexure P-1 for reference, was formulated. Some-how, earlier the names of the petitioners were not mentioned in the list of project affected families, but a re-survey was conducted in the year 2014-15 and thereafter, the names of the petitioners/their predecessors were reflected therein. Certificates were also issued by respondent No. 1 to the project affected families after re-survey. According to the petitioners, under the Rehabilitation and Resettlement Scheme, there was a provision of allotment of plot to the landless and houseless families, however, despite this, they have not been allotted any land or plot. Petitioners state that certain similarly situated persons were allotted land/plots, as has been mentioned in the writ petitions, yet, they have been discriminated and it is in this backdrop that they approached this Court with the prayer already mentioned hereinabove.

3. Common stand of respondent No. 1 in all the replies filed to the writ petitions is that families of the petitioners were not identified/certified as landless project affected families as per the Remedial Action Plan/Rehabilitation and Resettlement Plan formulated by the said

respondent. According to the said respondent, in terms of the Rehabilitation and Resettlement Plan, Sub-Divisional Officer (Civil)-Cum-Rehabilitation and Resettlement Officer, Rampur Bushahr was the competent authority to identify the landless families and in the list of landless families identified by the Sub-Divisional Officer, the names of the petitioners' families did not figure. It is further the stand of respondent No. 1 that the petitioners were basing their claim on the alleged re-survey conducted by the Himachal Pradesh Government and the said respondent was not associated with the alleged survey conducted by the Government nor said alleged survey was either accepted or finalized by the Government. Therefore, the same cannot be acted upon and the petitioners cannot claim any benefit on the basis of said survey. It is further the stand of respondent No. 1 that the Plan formulated by it was strictly followed and those who were falling within the purview of the Plan, were rehabilitated accordingly. According to respondent No. 1, the petitioners were duly compensated for the land acquired and as the families of the petitioners were not identified as landless/houseless families, because they did not become landless or houseless families upon acquisition of their land, as they were having other lands also, therefore, they were not entitled for any relief, as was being prayed for by them.

4. With regard to the judgment relied upon by the petitioners in the petitions, the stand of respondent No. 1 again is that the petitioners cannot claim the benefit on the basis of judgment dated 12.03.2019, passed by the Hon'ble Division Bench of this Court in CWP No. 1013 of 2018, titled

Shri Sher Singh Vs. Satluj Vidyut Nigam Ltd. and others, as families of the petitioners were not identified/certified as landless project affected families.

5. Reply filed by respondent No. 2, i.e., Sub-Divisional Officer-Cum-R & R Officer, Rampur Bushahr is also to the effect that land of the petitioners alongwith houses were acquired for the purpose of Nathpa Jhakri Power Corporation, Jhakri and for this, the petitioners were duly compensated by way of fair compensation. As per the said respondent, the R & R Plan was formulated by the respondent No. 1 to rehabilitate the persons who were rendered landless/houseless, but as the petitioners were not identified as landless, therefore, they cannot be extended the benefit of R & R Plan. It is further mentioned in the reply that in Para No. 3.9 of the Remedial Action Plan, landless family means and includes all members of the family of the individual, joint holder/co-sharers whose name(s) appeared in one revenue account as on the date of issuance of Notification under Section 4 of the Land Acquisition Act, 1894 and whose agriculture land was acquired for Nathpa Jhakri Hydro Electric Project making them completely landless or their balance agricultural land left after acquisition is less than 5 *bighas*. For this purpose, agricultural land held anywhere by all such person and their family members shall be reckoned and members of family shall include his/her spouse(s), parents, sons, daughters, step son and step daughter. If more than one family is entered as joint holder in land revenue record, all of them shall be treated as one landless Project Affected Family. It is further mentioned in the reply that person losing land on acquisition of building and land apparent thereto shall not be treated as landless Project

Affected Family. On the strength of this Para, the stand of respondent No. 2, in the reply is that the petitioners before this Court were not falling within the definition of landless families, as their families were holding more five bighas of land and also houses and, therefore, they were not entitled to the benefit under the Rehabilitation and Resettlement Scheme. Respondent No. 2 has also mentioned in his reply that re-survey was conducted to provide benefit to the left out project affected families, whose names were neither covered under landless nor under houseless project affected families, but the same was not conducted as per the Policy or Guidelines and it was submitted to the Government for consideration, but no approval was received from the Government in this regard.

6. I have heard learned counsel for the petitioners as well as learned Senior Counsel for respondent No. 1, as also learned Additional Advocate General for respondent No. 2/State.

7. It is not in dispute that after acquisition of the land of the petitioners/their predecessors-in-interest, due and admissible compensation in lieu of the acquisition of their land was paid to them. It is also not in dispute that names of the petitioners were not there in the list of project affected families after Rehabilitation and Resettlement Scheme was formulated by Nathpa Jhakri Power Corporation, whose successor is the respondent No. 1. Incidentally, there was no objection thereto either by the petitioners or their predecessors-in-interest, because the present writ petitions were filed in the year 2019. The genesis of all these petitions is that the re-survey which was conducted by the authorities, the names of the

petitioners were not included in the list of landless or houseless families. Now, stand of both the respondents in this regard is that the re-survey, upon which the petitioners are relying upon, was no survey in the eyes of law. As per respondent No. 1, said survey was conducted at their back and as per respondent No. 2, said survey was never acted upon by the Government. This Court is of the considered view that in the light of the fact that the petitioners were duly compensated for the acquisition of their land, no indefeasible right vest upon them for their rehabilitation or resettlement until and unless they were falling within the definition of landless families or projected affected families, as defined in the earlier Policy which came into *invogue* in the year 1997. It is again reiterated that till the filing of the present petitions, i.e., 2019, there was no challenge by the petitioners qua their non-inclusion in the list of landless/project affected families. The petitioners' case is based upon the subsequent survey, qua which, I have already made my observations hereinabove. In the light of the fact that the said survey was just a proposed survey, having no legal sanction and has not been acted upon by the Government, the petitioners cannot be granted any relief, as is being prayed for by them in these writ petitions. Otherwise also, all these issues as to whether the petitioners fall within the definition of landless or project affected families or not, in the backdrop of the stands taken by respondents No. 1 and 2 become highly disputed questions of fact, which cannot be decided in writ petitions filed under Article 226 of the Constitution of India.

8. In the light of above observations, as this Court finds no merit in these writ petitions, the same are dismissed, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

October 31, 2025
(bhupender)