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

CWP-8398-2025 (O&M)

Date of Decision: 05.02.2026

Vir Kaur

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rai Singh Chauhan, Advocate,
Mr. Rohit Sapehiya, Advocate and
Ms. Deepika Chauhan, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 27.06.2024 whereby Financial Commissioner (Revenue) has directed the petitioner to approach Director, Defence Services Welfare, Punjab for cash grant *in lieu* of land as per notification dated 19.10.2016.

2. The petitioner is widow of Havaldar Mukhtiar Singh who sacrificed his life during Indo-China War of 1962. The State Government as per Punjab Package Deal Properties (Disposal) Rules, 1976 (for short '1976 Rules') allotted land to dependents of soldiers who sacrificed their life during Indo-China War. The petitioner is a 92 years old lady. She preferred **CWP No.2990 of 2015** before this Court seeking direction to respondents to allot her 10 ordinary acres of land under Rule 4 of 1976 Rules. The said petition was disposed of vide order dated 20.11.2023 with

a direction to Deputy Commissioner, Kapurthala to examine the record and pass an order with respect to claim of the petitioner. Relevant extracts of order dated 20.11.2023 read as:

“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, SriVijay 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.”

3. Pursuant to aforesaid order, the Deputy Commissioner, Kapurthala passed order dated 01.04.2024 noticing that as per memo dated 01.03.2016 joint investigation report was prepared of 135 cases. Name of petitioner is listed on Page No.29 of list of 135 cases. The petitioner was never allotted land by State of Rajasthan. She is eligible for the benefit of scheme as per memo dated 01.03.2016. Relevant extracts of order dated 01.04.2024 read as:

“10. Keeping in mind all the above facts, I have concluded that the petitioner, Veer Kaur, is the widow of Havaladar Mukhtiar Singh, who was martyred during the 1962 India-China war. She has filed this civil writ petition in the Hon'ble Punjab and Haryana High Court regarding land allotment. The Hon'ble Punjab and Haryana High Court, in its order dated 20.11.2023, directed to review the records, hear the petitioner, and issue fresh orders after examining the affidavit provided by SDM Shri Vijay Nagar. In compliance with these directives, the records were thoroughly examined, and notifications/orders issued by the government concerning land allotment were also taken into consideration. The affidavit from SDM Shri Vijay Nagar was carefully reviewed, which clarified that there is no record available regarding the land/occupation allotted to the petitioner, Veer Kaur, in Rajasthan. Subsequently, the memo no. 4/20/2015-PL.3/15214 from the Superintendent Grade-1, Land and Resettlement Department (Policy and Legal Branch), Chandigarh, dated 04.12.2023, was also reviewed. According to this, it is noted that the decision concerning the aforementioned notifications/letters and the orders of the Hon'ble Court must be made. Various notifications/letters were examined, and as per paragraph number 10 (viii) of the notification

dated 04.12.2023, it is clear that the grant to a war widow or her dependents can only be made after a joint verification by the District Deputy Commissioner and the Director of Soldier Welfare Office, and the necessary budget must be arranged by the Finance Department. Additionally, through memo no. 38/13/2015-M.M./437 from the Director of Defence Services, Punjab, dated 01.03.2016, the joint investigation report for 135 cases was received, which indicates that the applicant, Veer Kaur, has been deemed eligible. Confirmation in this regard has also been provided through memo no. 38/8/Kapur/M.M.-2024/153 from the Director of Defence Services Welfare, Punjab, dated 01.04.2024, which mentions that the name of Veer Kaur, wife of Late Havaladar Mukhtiar Singh, District Kapurthala, is listed on page number 29 of the list of 135 cases.

Considering all the aforementioned facts, it has come to light that the petitioner, Veer Kaur, will receive the benefits issued by the government as per the notifications mentioned above, and the necessary actions at the government level will be carried out by the concerned department-Directorate of Defence Services Welfare, Punjab. Therefore, this case is resolved with the above observations.”

4. The petitioner preferred revision before State Government which came up for consideration before Special Principal Secretary, Revenue who vide impugned order dated 27.06.2024 has held that petitioner should approach Director, Defence Services Welfare, Punjab for cash grant *in lieu* of land as per notification dated 19.10.2016. The petitioner is assailing said order.

5. Learned counsel representing the petitioner submits that there is no dispute that petitioner was never allotted land as per 1976 Rules. It is further undisputed that she is war widow and her name was

included in the list of 135 cases. A Division Bench of this Court in **CWP No.1567 of 2014** has directed the State of Punjab to determine revised amount of grant which shall be paid to petitioner therein *in lieu* of land if no land is available for such allotment. The petitioner is entitled to land and she does not want cash *in lieu* of land.

6. Heard the arguments and perused the record

7. From the perusal of record, it is evident that State Government vide notification dated 19.10.2016 has framed policy for widows of soldiers belonging to the State of Punjab who participated in 1971 and 1965 Indo-Pak War and 1962 Indo-China War. As per said policy, cash grant of Rs.50,00,000/- shall be paid in three instalments. The said notification is not under challenge. The respondent by impugned order has not turned down claim of the petitioner rather has held that she is entitled to cash grant *in lieu* of land as per notification dated 19.10.2016. In the absence of challenge of said notification, this Court cannot direct respondent to consider her claim for land instead of cash *in lieu* of land. The petitioner is relying upon order dated 19.05.2015 of this Court passed in **CWP No.1567 of 2014**. In the said order, the Court has directed the respondent to determine revised amount of grant which shall be paid *in lieu* of land, if no land is available for such allotment. The respondent has framed policy on 19.10.2016 which is post aforesaid order. The policy of respondent seems to be conscious decision of the State Government to pay cash *in lieu* of land.

8. In the wake of above discussion and findings, this Court does not find any infirmity in the impugned order warranting interference. This Court is sanguine that respondent would honour its

order dated 01.04.2024 without delay.

9.

Disposed of.
10.

Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.02.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No