

Ram Avtar Dutta (deceased) through LRs Vs UOI & ors.

Ex.Petition No.1349 of 2024

[Item D-3]

27.11.2025

Present: Ms. Sangeeta Vasudeva, Advocate, for the petitioners.

Mr.Rajinder Thakur, Central Government Counsel, for respondents No.1 and 2.

Mr. R.K. Gautam, Senior Advocate with Mr. Sahil Dixit, Advocate, for respondents No.3 and 5.

Mr. Pranay Partap Singh, Additional Advocate General, for respondents No.4 and 6-State.

From a perusal of the file, it is apparent that vide order dated 24.9.2025, Annexure R-3/B, the State of Rajasthan rejected the claim of the petitioner, merely on the ground that the mutation of 0.15 marla land has been recorded in the name of Ram Avtar, S/o Raja Ram on 14.9.1967, whereas acquisition has been done on 31.3.1961. Therefore, the petitioner was held not to be an eligible candidate. We have been informed that prior to passing of the said order, the State of Rajasthan on 26.8.2025 (Annexure R-3/A) had itself asked for information from the State of Himachal Pradesh and on 16.9.2025 (Annexure R-3/C), Deputy Commissioner (R&R), Raja-ka-Talab, Tehsil Fatehpur, District Kangra, H.P.) had requested for some time to supply the documents. It is thus apparent that without supply of the documents, the issue has been decided, which caused prejudice to the case of the petitioner.

2. It is not in dispute that the order, which is sought to be executed is dated 23.8.2014 passed in CWP No.4290 of 2012, whereby consideration was sought to be done within four weeks. Eligibility certificate had been issued on 26.7.2017 (Annexure E-3), but on account of the fact that there was another certificate, Annexure E-5, whereby the mention has been made regarding the purchase of the land/mutation on 14.9.1967 the dispute had arisen regarding eligibility of the petitioner. Even prior to that on 14.2.2017, it has been found that he was not eligible for land allotment.

3. The said order was then quashed vide order dated 3.5.2019 passed in CWP No.817 of 2017 (Annexure E-6). Thereafter on 1.3.2024 in COPC No.140 of 2022 (Annexure E-10), directions had been given to issue eligibility certificate and thereafter, the same had been issued on 2.3.2024 (Annexure E-11), but was not accepted by the State of Rajasthan vide communication dated 22.5.2024 (Annexure E-13). The said COPC No.140 of 2022 was disposed of on 12.7.2024 (Annexure E-12) with liberty to pursue the remedy as such. Even the Deputy Commissioner (R&R), Raja-ka-Talab, Tehsil Fatehpur, District Kangra, H.P. on 11.3.2025 (P-169) at one stage has taken the stand that the Eligibility Certificate had been issued only to comply with the order passed in the contempt proceedings.

4. It is thus apparent that the petitioner has been agitating for his grievances for more than a decade, whereas the displacement is since the year 1960.

5. In such circumstances, let the Deputy Commissioner (R&R), Raja-ka-Talab, Tehsil Fatehpur, District Kangra, H.P.-respondent No.6 supply the necessary information, which had been asked for by the State of Rajasthan vide communication dated 26.8.2025 (Annexure R-3/A) within a period of four weeks from today and on the receipt of the same, the competent authority of the State of Rajasthan, shall take a fresh call on the said issue within a period of six weeks thereafter.

6. Keeping in view the above, it would also be expedient that the petitioner-applicant be issued a proper notice and heard before the final order is passed.

To come up on **23rd March, 2026.**

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

November 27, 2025 (*mamta*)