

D-4

Bansi Lal (deceased) through LRs Vs. State of HP alongwith connected matters.

**Ex. Petition Nos. 813 of 2024 a/w
COPC Nos. 10 & 11 of 2019 and
Ex. Pet. No. 6 of 2025.**

08.10.2025

Present: Ms. Reeta Goswami, Senior Advocate with Ms. Komal Chaudhary and Ms. Rekha Thakur, Advocates, for the petitioner(s), in all the petitions.

Mr. Pranay Pratap Singh, Additional Advocate General, for respondent No. 1, in all the petitions.

Mr. R.K. Gautam, Senior Advocate with Mr. Jai Ram Sharma, Advocate, for respondent No. 2 in all the petitions.

The writ petitioner seeks execution of the order dated 29.06.2017, titled ***Bansi Lal Vs. State of Himachal Pradesh & another***, whereby the Coordinate Bench had directed the District Collector, Sriganaganagar to take all appropriate actions of ensuring that possession of the land allotted to the petitioner in terms of the choice so expressed by him, be handed over, if free from all encumbrances.

2. The said order also noticed that option had already been exercised and the land was identified, particulars whereof had already been supplied to the authorities concerned.

3. Apparently, when COPC No. 11 of 2019, titled ***Bansi Lal (deceased) through LRs Vs. B.K. Aggarwal & another***, was filed, the learned Single Judge vide order dated 06.09.2023 had observed that

the plot of land, for which the petitioner had made choice in terms of order dated 29.06.2017 was in unauthorized occupation of some encroacher and proceedings for eviction were pending against him and directed the SDM, Gharsana, Rajasthan to file his personal affidavit, detailing all the facts with respect to unauthorized occupation of the plot selected by the petitioner and reasons for delay in final culmination of eviction proceedings.

4. Resultantly, affidavit dated 28.10.2023 came to be filed giving details as such. The relevant part of the affidavit reads as under:-

"3. That the Murabba No 148/64 in Chak 4 SKS B was allotted to one Pyare Lal s/o Kundan Lal R/O Amb Tehsil Dehra District Kangra HP who was a Pong Oustee. That due to violations of the conditions of allotment the Murabba was cancelled as per Rule 6A of the allotment Rules. The Murabba was allotted to one Banwari Lal s/o Ram Partap. This Rule 6A was later struck down by the Hon'ble Apex Court, subsequently the Murabba which was allotted to Banwari Lal as per rules was entered in the name of State of Rajasthan.

4. That one Nepal Singh encroached the said Murabba and is in occupation of the same since 2016. The matter regarding the eviction of the said encroacher is pending before the Court of Teshildar Gharsana and proceedings in this regard are being taken up regularly. The record of the proceedings is Annexed (colly) as Annexure AR/-1 for the kind perusal of this Hon'ble Court.

5. That the deponent has brought to the notice of the concerned Teshildar the need for urgency to get the eviction proceeding initiated against the encroacher. The deponent further assures this Hon'ble Court that she would be regularly monitoring the above proceedings so that the encroacher be evicted."

5. The learned Counsel for the petitioners has now brought to our notice that eviction order had already been passed against Nepal Singh on 19.02.2021 (Annexure P-3) regarding land measuring 5.819 hectares, out of the concerned Chak No. 4, SKM-B bearing No. 148/64. Similarly, it was pointed out that against Ved Prakash, S/o Sh. Banwari Lal also, the eviction order (Annexure P-5) had been passed on 15.02.2023, regarding the land measuring 4.933 hectares, falling in the same Murabba number.

6. In the reply filed by the State of Rajasthan-respondent No. 2, there is a mention that allotment has been made in favour of the petitioner on 11.07.2023 in Ramgarh Tehsil-1, Chak 5-6 TBM Square No. 68/08, measuring 25 bighas (Annexure R-2), but the petitioners as such were not taking steps for completion of the formalities. Accordingly, letter dated 03.01.2024 was issued to the legal heirs of original allottee Smt. Janki Devi. The petitioners herein are the sons and daughters of Bansi Lal.

7. Perusal of the affidavit dated 07.04.2024 filed by the State of Rajasthan in Contempt Petition No. 11 of 2019, would go on to show that Murabba No. 148/64 was in dispute and therefore, the land as such could not be made available as per the report of the Deputy District Collector, Suratgarh. It has further been mentioned in the said affidavit that due to some misunderstanding, the petitioner had given the choice of the aforesaid land bearing Murabba No. 148/64, which is in contradiction to the earlier affidavit filed by the SDM, Gadsana, Rajasthan.

8. It has also been brought to our notice by the learned Counsel that the land at Ramgarh which had been sought to be handed over, has been found to be unfit by the High Powered Committee in its 23rd meeting, which inspected Phase-II of resettlement area of Pong Dam oustees during 6-7 October, 2017. A perusal of the said report would go on to show that 613 oustees had been allotted the land in Laungewala, Gamnewala and Hansuwalia of Ramgarh Tehsil. The Committee was of the opinion that alternate locations be provided to the oustees. The relevant part of the report reads as under:-

“All the 613 oustees presently resettled in Laungawala, Gamnewala and Hansuwalia of Ramgarh Tehsil need to be reconsidered sue motu for allotments at alternate locations in the

command area where essential facilities including irrigation are available.”

9. However, learned Senior Counsel for respondent No. 2-State of Rajasthan submits that the land which has been allotted, does not fall in the said three villages of Ramgarh Tehsil.

10. We are of the considered opinion that once the land had been allotted in Murabba No. 148/64 and the eviction orders as such had already been passed, as noticed in the earlier affidavit filed by the SDM, we are not convinced with the affidavit now filed that the land in question was again encroached upon for which the proceedings are pending. There is nothing placed on record by the State of Rajasthan that which proceedings are pending before which Court, to evict the unauthorized occupants.

11. Therefore, we are of the considered opinion that the State of Rajasthan has not been active enough to hand over the possession of the land which had been opted.

12. Resultantly, we direct the State of Rajasthan through the Collector Sriganganagar to ensure that the possession of the land in Murabba No. 148/64 is handed over to the petitioner by the next date of hearing by taking coercive steps against any person who is in possession.

13. It is to be noticed that it is a case of Pong Dam oustees and it is the third generation, which is fighting for their rights. It is the bounden duty of the State of Rajasthan to comply with the orders as such passed by this Court and the Apex Court regarding this aspect.

14. It is made clear that if needful is not done, we would have to ask the Collector concerned to be present before this Court to show cause as to why the needful is not being done and compliance has been delayed.

List on **02.12.2025**.

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

October 08, 2025
(hemlata)