

**Gurdial Singh vs. State of H.P. & Ors.**

**Ex. Pet. No. 38 of 2025**

**15.05.2025** Present: Ms. Sangeeta Vasudeva, Advocate, for the petitioner.

Mr. Ramakant Sharma, Ms. Sharmila Patial, Mr. Sushant Kaprate, Addl. A.Gs. and Mr. Raj Negi, Dy. A.G., for respondents-State.

Mr. Jai Ram Sharma, Advocate, for respondents No. 3 and 4.

The order sought to be executed in this execution petition reads as under:-

*“Learned counsel for the parties stated at the Bar that similar matters were considered by this Court in a batch of cases, lead case of which is CWP No.1540 of 2013, titled Bakshi Ram vs. Union of India, decided on 6th November, 2013 and prayed that these writ petitions be disposed of in terms of the judgment (supra). Their statements are taken on record.*

2. *It is apt to reproduce relevant portion of the judgment, referred to above, at pages 25 and 26, herein:-*

*“2. It is not in dispute that after the judgment rendered by the Apex Court in Pradesh Pong Bandh Visthapit Samiti, Rajasthan & Another versus Union of India & Others, (1996) 9 Supreme Court Cases 749, a high power committee has been constituted to look into the grievance of the petitioners and similar situate persons. This committee is still functional.*

*Accordingly, the petitioners are permitted to make representation(s) before the high power committee. The committee shall look into the grievance of the petitioners and similar situate persons within a period of six months after receipt of the representation(s). The committee shall also be guided by the judgment rendered by this Court in CWP No.492 of 2007, titled as “Ashwani Kumar V. Union of India”, decided on 29.3.2011, against which an SLP was preferred which was dismissed by Hon’ble Supreme Court on 2.1.2013. It is made clear that the limitation/delay shall not come in the way of the petitioner(s). It is also made clear that the high power committee shall decide the cases individually and pass speaking/detailed order(s), strictly as per the averments made in the representation(s). It is further clarified that if the land is available in Sriganganagar (reserved area), this aspect shall also be taken into consideration. The respondent-State is also directed to issue the eligibility certificate in favour of the petitioners in CWPs No. 11070 of 2011-G and 1158 of 2013 in order to enable them to present their cases before the high power committee.”*

3. *It is also stated that the judgment, referred to above, was also followed by the Division Bench of this Court and upheld by the Supreme Court in a judgment rendered in SLP(C) No.21904 of 2012, titled State of Rajasthan & another vs.*

*Ashwani Kumar Sharma & others, decided on 2nd January, 2013 and the Special Leave Petition was dismissed.*

*4. In the given circumstances, we deem it proper to dispose of these writ petitions in terms of the judgment made by the learned Single Judge (supra) with liberty to the writ petitioners to file representation(s) within eight weeks before the High Power Committee. The said Committee is directed to decide the same within three months thereafter.*

*5. Accordingly, the writ petitions are disposed of alongwith all pending applications, if any writ petitions in terms of the judgment made by the learned Single Judge (supra) with liberty to the writ petitioners to file representation(s) within eight weeks before the High Power Committee. The said Committee is directed to decide the same within three months thereafter.*

*5. Accordingly, the writ petitions are disposed of alongwith all pending applications, if any."*

2. The respondents have though allotted land in favour of the petitioner, but the said land is not the one which the petitioner adopted for in his representation. The only ground taken for non-allotment of the land of the choice of the petitioner is that the same has been encroached upon or that undisputed land is not available.

3. It is the duty of the State of Rajasthan to have the encroachments/disputes, removed/resolved and thereafter allot the land in favour of the petitioner. After all, the petitioner has lost his hearth and home in Himachal Pradesh and is required to be rehabilitated by allotting suitable land in terms of the aforesaid judgment.

4. Accordingly, respondents No. 3 and 4 are once again directed to allot land to the petitioner, as per his representation, after removing/resolving encroachments/disputes existing over the same and report compliance within six weeks failing which respondents No. 3 and 4 shall personally appear before this Court to show cause as to why contempt proceedings be not initiated against them.

5. List on 03.07.2025.

**(Tarlok Singh Chauhan)**  
**Judge**

**(Sushil Kukreja)**  
**Judge**

**15<sup>th</sup> May, 2025**  
(sanjeev)