

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 211 OF 2010

JASWANT & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS. Respondent(s)  
(With appln(s) for directions,exemption from filing  
O.T.,directions,intervention and office report)  
WITH T.C.(C) NO. 1 of 2012  
(With office report)

Date: 24/07/2013 This Petition and Transferred Case were called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
in WP 211/2010 Mr. Shreeji Bhavsar, Adv.  
Ms. Anubha Rastogi, Adv.

For Petitioner(s) Mr. Rakesh Khanna, ASG  
in TC 1/2012 and for Mr. J.S. Attri, Sr. Adv.  
respondent in Mr. S.W.A. Qadri, Adv.  
WP 211/2010 Mr. Syed Tanweer Ahmad, Adv.  
Ms. Priyanka Bharihoke, Adv.

For Respondent(s) Mr. Manjit Singh Dalal, AAG  
(State of Haryana) Mr. Anil Antil, Adv.

For State of UP Mr. Gaurav Bhatia, AAG

UPON hearing counsel the Court made the following  
O R D E R

We have heard Shri Colin Gonsalves, learned senior counsel for the petitioners in Writ Petition (C) No.211 of 2010, Shri Manjit Singh Dalal, learned Additional Advocate General, Haryana and Shri R.K. Khanna, learned Additional Solicitor General for Union of India (Railways).

We have also perused affidavit filed today in the Court by Shri Ramesh Krishan, Secretary, Government of Haryana, Home Department.

In response to the submission made by Shri Colin Gonsalves, the learned Additional Advocate General, Haryana, on instructions, fairly stated that the State Government will provide two quintals of foodgrains to each family affected by riots in Mirchpur 2010 till further orders which had to leave Mirchpur in the wake of incident which is subject matter of this litigation.

In response to another submission made by Shri Colin Gonsalves, learned Additional Advocate General gave out that one member of the families which are in need of employment and approach the competent authority will be provided employment under NREGA Scheme.

On the question of rehabilitation and re-settlement of the victims of Mirchpur incident, it is considered appropriate to request the President, District Legal Services Committee, Hissar and representative of Tata Institute of Social Sciences, Mumbai to conduct a joint inspection with the assistance of other officers of the

District to suggest a viable solution. The District Legal Services Committee shall also look into the grievances of the victims of Mirchpur incident about the admission of the children in suitable educational institution. The report based on the joint inspection be submitted to the Court within four weeks.

The learned Additional Advocate General is requested to get in touch with the Chairman, Haryana State Legal Services Authority so that instructions can be given to the President, District Legal Services Committee to co-ordinate inspection on a date which is suitable to him and to the representative of Tata Institute of Social Sciences, Mumbai.

Losses suffered by the Railways

As regards the losses suffered by the railways on account of stoppage and diversion of rails movements in the wake of Mirchpur incident as well as agitation in connection with the demand for reservation by a section of the society, we direct the competent authority of the Northern Railway to lodge a claim before the Claims Commissioner Shri R.C. Bansal, District Judge (retired), Haryana within a period of two weeks from today. The Claims Commissioner shall decide the claim by passing a speaking order within a period of next four weeks.

Insofar as stoppage and diversion of rails movements in the State of Uttar Pradesh is concerned, we ordain that the Railways should lodge a claim with the Claims Commissioner appointed by the Government of Uttar Pradesh, who shall decide the same within next four weeks by passing a speaking order. If no Claims Commissioner has been appointed then the competent authority shall send the statement of claim to the Chief Secretary, Uttar Pradesh who shall pass appropriate speaking order within four weeks.

List the case after seven weeks.

| (Parveen Kr.Chawla)

| Court Master

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| | (Phoolan Wati Arora)

| | Court Master

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