

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP No.1586 of 2016

Date of decision: 30.06.2016

Raju

..Petitioner

Versus

Union of India & others

. Respondents

Coram:

The Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice

The Hon'ble Mr. Justice Sandeep Sharma, Judge

Whether approved for reporting?

For the petitioner: Mr.Ajay Sharma, Advocate.

For the respondents: Mr.Ashok Sharma, ASGI, with Mr.Nipun Sharma, Advocate, for the Union of India.

Mr.Y.W. Chauhan, Advocate, for the State of Rajasthan.

Mr.Shrawan Dogra, Advocate General, with Mr.Anup Rattan & Mr. Romesh Verma, Additional Advocate Generals and Mr.Kush Sharma, Deputy Advocate General, for the State of Himachal Pradesh.

Mansoor Ahmad Mir, Chief Justice (oral)

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 this writ petition 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 this writ petition in terms of the judgment made by the learned Single Judge (supra) with liberty to the writ petitioner to file representation 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 petition is disposed of alongwith all pending applications, if any.

Copy **dasti**.

(Mansoor Ahmad Mir)
Chief Justice

June 30, 2016
(cm/vt)

(Sandeep Sharma)
Judge