

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 840 of 2017
Decided on: 29.04.2017

Dharam PalPetitioner
Versus
The State of Himachal Pradesh & others.
.....Respondents

Coram

The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice.
The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

¹ *Whether approved for reporting?*

For the petitioner: Mr. Vikrant Sankhyan
Advocate.

For the respondents: Mr. Shrawan Dogra,
Advocate General, with M/s
Romesh Verma, Anup Rattan,
Additional Advocate
Generals and J.K. Verma,
Deputy Advocate General,
for respondents No.1 and 2.

Mr. Yashwardhan Chauhan,
Advocate, for respondents
No.3 to 5.

Sanjay Karol, A.C.J. (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 petition be disposed

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

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 petitioner are permitted to make representation(s), before the high power committee. The committee shall look into the grievance of the petitioner 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 with 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.

(Sanjay Karol)
Acting Chief Justice

(Tarlok Singh Chauhan)
Judge

29th April, 2017
(raman)

