



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 1482 of 2019

Decided on: 27.08.2025

Nathu

... Petitioner

Versus

National Thermal Power Corporation (NTPC)
and others

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioner : Mr. Ashok Kumar Verma, Advocate.

For the respondents : Mr. Jagdish Thakur, Advocate for
respondent No. 1.: Mr. Rajpal Thakur, Additional
Advocate General for respondents No.
2 and 3.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has prayed for issuance of a direction to the respondents to issue an oustee certificate in favour of the petitioner so that he can get the benefit of Rehabilitation and Resettlement Scheme on account of acquisition of his land in village Aahan, for the construction of Koldam Hydroelectric Project.

2. Learned Counsel for the petitioner has argued that two biswas of land of the petitioner was acquired for the purpose of construction of Kol Dam Hydroelectric Project in the year 2000.

¹ Whether reporters of the local papers may be allowed to see the judgment?

Though he was compensated for the same, however, benefits which accrued to the petitioner in light of the Rehabilitation and Resettlement Scheme (Annexure P-2) have been denied to him. According to learned Counsel for the petitioner, the matter was represented by the petitioner to the competent Authority in the year 2016, who wrongly rejected the same in terms of Annexure P-3, hence this writ petition.

3. On the other hand, learned counsel respondent No. 1- NTPC has pointed out that filing of this petition is nothing but an abuse of the process of law. Learned Counsel has referred to the memo of parties and has submitted that in fact, the petitioner is a resident of village Binga, Tehsil Sarkaghat, District Mandi. He purchased two biswas of land in the concerned village, as he was aware that the land of the area concerned was being acquired for the purpose of construction of Kol Dam Hydroelectric Project and the purchase was also strategic, as the petitioner, who at the relevant time was serving in the area, was aware of the forthcoming project and after the land was acquired and he was compensated, he raised the issue belatedly after 16 years, which was rightly rejected by the Authorities, therefore, this petition is not maintainable. Learned Counsel also drew the attention of the Court to Clause 2.2.3 of the Scheme Annexure P-2 and stated that benefit thereof is permissible in favour of persons, who either have been rendered houseless on

account of acquisition of their house/property or have been rendered landless as defined therein and thereby held to be eligible in terms of the norms of the Scheme by the competent Authority, which is not less than the Deputy Commissioner of the concerned District. He thereafter referred to Annexure R-1/II appended with the reply of respondent No. 1 and submitted that in terms of the list of houseless/landless of families of Kol Dam Project, village Aahan, Tehsil Sundernagar, District Mandi, the petitioner was neither houseless nor landless nor otherwise belonging to the eligible family, for the reason that there was no entry in the Panchayat Parivar Register of the Panchayat relating to the petitioner as on the date when the notification was issued under Section 4 of the Land Acquisition Act, 1884, because the petitioner was not the resident of the Panchayat concerned. Accordingly, he submitted that there is no infirmity in the denial of the benefits of the Scheme to the petitioner and the petition deserves dismissal.

4. I have heard learned Counsel for the parties and carefully gone through the pleadings as well as documents appended therewith.

5. A perusal of the Rehabilitation and Resettlement Scheme demonstrates that the Scheme was framed by the State Government for the benefit of the families, who were to be affected by the acquisition of the private land, which would render some of

them houseless and landless. The policy obviously was for the benefit of those, who were permanently residing in the area and who were to be rendered houseless and landless on account of acquisition proceedings which were being undertaken by the Government for the purpose of construction of the Kol Dam Hydroelectric Project.

6. Now here is a case where admittedly the petitioner, who happens to be a resident of village Binga, Tehsil Sarkaghat, District Mandi, purchased two biswas of land in village Aahan, neither a biswansi less nor a biswansi more, as it appears, he was aware of the act of the respondents coming up with the project in the area. Though, the petitioner has very conveniently concealed the date of purchase of land as the same has not been mentioned in the writ petition, but one fact which is evident and which could not be denied by learned Counsel for the petitioner is that as on the date when the land of the petitioner was acquired in the year 2000, his name was not registered in the Panchayat Parivar Register of the village concerned, which is a pre-condition for the purpose of getting the benefit of the Scheme in terms of Clause 2.2.3 of the same.

7. This is also so stated in para-4 of the reply filed by the respondents-State, wherein it is clearly mentioned that as the family of the petitioner was not recorded in the Panchayat Parivar Register of village Aahan, Tehsil Sundernagar as on 07.12.2000, which is

necessarily required for the purpose of getting the benefit of Rehabilitation Policy as framed by the Government, therefore, he was not entitled for any such benefit.

8. Respondent No. 1 has appended Annexure R-1/II with its reply which is the agreement entered into between respondent No. 1 and State of H.P. and H.P. State Electricity Board. In para 1.2(b) of the agreement, family has been defined as under:-

“(b)"Family" means husband/wife, who is entered as owner/co-owner of land in the Revenue Record, their children including step or adopted children and include his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Privar Register as on the date of Notification under Section-4 of the Land Acquisition Act, 1894. Provided that only the Panchayat Pariwar Register entry, as it stood on the date of Notification under Section-4 of the Land Acquisition act, 1894 shall be taken into account for the purpose of 'Separate Family' for Rehabilitation benefit i.e. consideration for employment etc.”

9. Therefore, it is evident that the petitioner was not eligible for the benefits of the Rehabilitation and Resettlement Scheme as he was not fulfilling the criteria laid down in the Scheme or the agreement, his case was rightly rejected by the Authorities in terms of Annexure P-2. This Court otherwise would like to make an

observation at this stage that there is no explanation that has come forth from the learned Counsel as to why the petitioner raked up the issue of rehabilitation and resettlement after 16 years as from the date of acquisition of his property.

Be that as it may, taking into consideration the fact that the rejection of the case of the petitioner by the competent authority cannot be faulted with for the reason that, the petitioner was not fulfilling the eligibility criteria laid down in the Rehabilitation and Resettlement Scheme, as this Court finds no merit in the present petition, the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

August 27, 2025
(narendar)