



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-7869-CWP-2024 in
RA-CW-155-2024 in
CWP-20016-2015
Reserved on: 18.07.2025
Pronounced on: 25.07.2025.**

Jaswant and others

...Review Applicant(s)

Vs.

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA, JUDGE**

Present:- Mr. Zaid Haider, Advocate for the
review applicant/petitioners(s) (on V.C.).

Mr. Naveen S. Bhardwaj, A.A.G., Haryana.

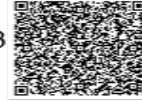
NIDHI GUPTA, J.

CM-7869-CWP-2024

Prayer in the present application filed under Section 5 of the Limitation Act is for condonation of delay of 82 days in filing the accompanying Review Application, which is duly accompanied by an affidavit of one of the applicants/ writ petitioners.

2. Heard.

3. In view of averments mentioned in the application, which is duly supported by an affidavit of one of the applicants/review-applicants,



the same is allowed and delay of 82 days in filing the accompanying Review Application, is condoned.

RA-CW-155-2024 (O&M)

The review-applicants/writ-petitioners have filed the present Review Petition seeking review of the order dated 09.01.2024 whereby the Civil Writ Petition No. 20016 of 2017 was disposed of “*with liberty to the petitioners to approach the competent authority in case they face any difficulty.*” Aggrieved of the same, the present Review Petition has been preferred under Order 47 Rule 1 CPC.

2. Brief factual background of the case is that on 19.04.2010-21.4.2010, caste-based violence had occurred in Village Mirchpur, District Hissar, Haryana. It was the case of the petitioners that as the atmosphere of the village remained tense and hostile to their caste, 130 Dalit families had migrated to Tanwar Farmhouse belonging to a Dalit activist, situated about 60 km from Mirchpur Village. It was pleaded that at the farmhouse, which is spread over 3 1/2 acres, 130 families lived in hutments shared by upto 5 members of a family and with plastic sheets for roof. These families were not willing to return to Mirchpur in fear of further violence; and continued to live there as refugees in pitiable conditions.

3. Accordingly, a ***Writ Petition (Civil) No. 211 of 2010*** titled as “***Jaswant and others vs. State of Haryana and others***” came to be filed by the displaced villagers before the Hon’ble Supreme Court on 01.05.2010 with the prayer that a mandamus be issued “*to the respondents to*



forthwith make arrangements for the accommodation of the 150 victim families who have been displaced from their village in District Hisar, within the State of Haryana, to maintain them by paying ₹10,000 per month, to rehabilitate them and pay compensation. Further, prayer of the petitioners is to direct the respondent to provide protection to all the schedule caste families.” Vide order dated 31.5.2010, the Hon’ble Supreme Court was pleased to issue notice of motion in the said Writ Petition (Civil). Vide order dated 24.07.2013, the Hon’ble Supreme Court directed the Joint Inspection Committee (comprising of the President, District Legal Services Committee and the representative of the Tata Institute of Social Sciences), to carry out inspection of the living conditions of the displaced villagers. Various directions were also given to the State Government/ its functionaries, to provide two quintals of foodgrains to each affected family; and consider prayer made by the petitioners that one member of the families who are in need of employment be permitted to approach the competent authority for providing employment under the NREGA Scheme, etc. The Hon’ble Apex Court further directed as follows: -

“On the of 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”.*

4. Pursuant to the same, a Report dated 07.08.2013 (Annexure A-3 with the present Review Application) was received from the above said Joint Inspection Committee. Subsequently, the Hon’ble Supreme Court taking note of the affidavit filed by the respondent-State of Haryana stating that the State had accepted the Report and that they were implementing the recommendations made in the Report, vide order dated 21.08.2015 deemed it fit to transfer the Writ Petition to this Court “*on the limited question of rehabilitation*”. Upon transfer, the same was registered as present Writ Petition No. 20016 of 2015 before this Court; wherein vide order under review dated 09.01.2024 this Court had disposed of the said Writ Petition No. 20016 of 2015 taking note of the reply dated 14.07.2016 filed by the Special Secretary to Government, Haryana, Home Department and the Report dated 01.03.2016 (Annexure R-1/10) submitted by the Deputy Commissioner of Haryana in pursuance to the undertaking/in compliance made before the Hon’ble Supreme Court as noted in the order dated 21.08.2015. Aggrieved of the same, the present Review Petition has been filed by the Writ Petitioners.

5. Learned counsel appearing on behalf of the Review Petitioners refers to the Report dated 07.08.2013 (Annexure A-3) submitted by the Joint Inspection Committee, to impress upon this Court



that despite passage of time, the victims of village Mirchpur violence continue to live in abysmal, inhuman, unsafe and unhygienic condition in tents. It is submitted that several persons are sharing the same tent. There is no water supply, sewage system, drainage, electricity, et cetera. The female victims were even subjected to sexual indignities and were insulted and humiliated by male members of the dominant community and were, therefore, undergoing psychological trauma.

6. The Joint Inspection Committee further recommended that opportunities ought to be provided to the victims for employment under Government services and under social security schemes like MNREGA etc.; children of the victims be provided educational facilities; facilities for health care and hygienic living etc. should be provided; adequate security be provided to the victims by setting up special Police Posts at the place where the victims are resettled. It is vehemently contended by learned counsel for the Review-Petitioners that none of these recommendations have been implemented till date. Even no employment opportunities have been given.

7. Learned counsel also refers to the following recommendations made by the said Committee: -

“All the victims of the Mirchpur incident should be collectively re-settled and rehabilitated, in consultation with the victims, at a place other than Mirchpur where they do not face any threat from the dominant community. The State Government should be asked to provide monetary support to help such



victims in re-building their houses under social security schemes like "INDIRA AAWAS YOJNA" etc.

It is submitted that the above recommendations have not been complied with. The Review-Petitioners are living in abject conditions in tents without electricity and water connection etc. Even toilets have not been constructed.

8. When it is pointed out by this Court, that plots have been allotted to the victims, learned Counsel for the review-petitioners submits that 15 residents as enumerated in Annexure A-5 still remain to whom no plot has been allotted. Moreover, in the plots allotted to the victims, no construction has been raised by the State. No pucca houses were given by the Government. Thus, victims are still living in tents. Even plots were allotted by placing unfair conditions upon the victims. Moreover, the residents were allotted plots based on the size of their house in Mirchpur; whereas instead of the plots, each victim should receive plot of land measuring 1000 sq. ft. without charging any amount from them. Along with the plot, all amenities in the form of electricity, running water, drinking water, sewerage, drainage etc. ought to be provided.

9. It is further submitted that the report dated 7.8.2013 submitted by the Joint Inspection Committee enumerates in detail the conditions in which the victims are living. However, inadvertently, the said report could not be brought to the notice of this Court at the time of argument on 9.1.2024. It is accordingly submitted that the order dated 09.01.2024 deserves to be reviewed as no rehabilitation has been carried



out for the Review-Petitioners in contravention of the direction of the Hon'ble Supreme Court.

10. *Per contra*, learned counsel for the respondent-State vehemently opposes the submissions made on behalf of the Review-Petitioners and refers to the Status Report dated 28.11.2024 filed by way of affidavit of Anish Yadav, IAS, Deputy Commissioner, Hissar. Learned counsel points out that for the 254 families that had fled the village of Mirchpur, 258 plots have been provided. Ld. Counsel strongly controverts the assertion of the counsel opposite that there are still 15 families remaining to whom no plots have been allotted. It is pointed out that each of these 15 persons or their family members have been allotted plots. All the victims have not just been rehabilitated but have also been given jobs and monetary compensation. Learned counsel also refers to the Status Report dated 28.11.2024; affidavit dated 14.07.2016; and Report dated 01.03.2016 (Annexure R-1/10) to buttress his submissions that complete rehabilitation of Mirchpur victims has been carried out by the respondent-State.

11. Learned counsel for the Review Petitioners rebuts the said submissions and refers to the reply-affidavit dated 18.1.2025 filed by the Review-Petitioners in rejoinder to the Status Report dated 28.11.2024. Ld. counsel in particular refers to the table in para 10 of the said reply-affidavit to submit that 15 persons still remain who were not allotted plots. By way, of example, it is pointed out that the victim at Sr. No. 1



Kamla Devi, who was eyewitness of murder of her husband Tara Chand has not been allotted a plot, and 3 plots have been allotted only to her 3 sons. Rani at Sr. No. 3, who was 'eyewitness' to the violence, plot has been allotted only to her father-in-law. Similarly, it is mentioned that 15 persons still remain to whom plots have not been allotted. It is accordingly prayed that the present Review Petition be allowed and a direction be issued to *“(a) the respondent State of Haryana to provide immediate rehabilitation to all the affected Balmiki families who resided in Mirchpur, Haryana, at the time of caste-based violence at an alternate site outside Mirchpur without subjecting the Balmiki families to any payment for the same. (b) To pass an order directing the respondent State of Haryana to provide the rehabilitation to the Balmiki families in accordance with the rehabilitation plan provided in this review petition at para no. 26 to 38 onwards; (c) To pass an order directing the respondent State of Haryana to construct the houses on the piece of land allotted to the affected Balmiki families in village Dhandur, Hissar, Haryana, who are currently staying under tents, and to provide them with facilities by constructing for them toilets, washrooms, kitchens, and electricity and water connections at the allocated site; (d) To pass an order directing the respondent State of Haryana to not charge payments from the affected Balmiki families for the plots allotted to them at Dhandur, Hissar, Haryana, and to refund the amount charged from such families.”*

12. No other argument is raised on behalf of the parties.



13. We have heard learned counsel for the parties and perused the case file in great detail. Upon giving our thoughtful consideration to the rival submissions and being especially mindful of the sensitivity of the present matter, we find ourselves not convinced with the submissions made on behalf of the Review-Petitioners/Writ Petitioners.

14. The main thrust of argument on behalf of the review-petitioners is that rehabilitation of the victims is incomplete as they continue to live in inhuman, unhygienic and unsafe conditions; that there are still 15 victims remaining who have not been allotted plots; and that no employment or any kind of compensation has been given to the victims.

15. However, the record indicates to the contrary. In the violence that took place on 19.04.2010/21.04.2010, 254 families had fled the village of Mirchpur, District Hissar, State of Haryana. It has been admitted by the Review-Petitioners in para 20 at page 10 of the present Review Petition that in respect of the said 254 displaced families, 258 plots have been allotted by the respondent-State of Haryana; and over 200 families have been provided plots measuring 85 gaj.

16. It has been contended that 15 victims have not yet been allotted plots. However, the said submission of the Review-Petitioners is also borne out to be incorrect. To support the said contention, Id. Counsel for the Review-petitioners has referred to the following table reproduced in para 10 of their reply-affidavit dated 18.1.2025, which reads as under: -

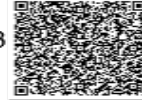


S. No.	Name	Remarks of the Govt. officials in the status report	Petitioner's response
1.	Kamla Devi	a plot has already been allotted to applicant's sons namely Amar Lal, Pardeep and Ravinder at serial number 72,73,74 respectively	Kamla is a widow and eyewitness of the brutal murder of her husband Tara Chand. All her 3 sons are married, living with their respective families.
2.	Ravinder	Plot already allotted to the applicant.	Not disputed. Name given in the list inadvertently.
3.	Rani	a plot has already been allotted to the applicant's father-in-law Raja at serial number 228	Rani and her husband Sanjay both were eyewitnesses of the Mirchpur violence. They were residing separately with ration card no. 890575. Sanjay died in the year 2012. No plot was allotted to him. No plot allotted to Rani. Allocation of plot to father-in-law does not disentitle her from rehabilitation and allocation of plot.
4.	Suresh	a plot has already been allotted to the applicant's Father Raja at serial number 228	Suresh has been living apart from his father even before the violence occurred. Had separate Ration Card issued in the year 2011
5.	Shankar	a plot has already been allotted to applicant's Father Raja at serial number 228	Shankar has been living apart from his father even before the violence occurred. Had separate Ration Card issued in the year 2011.
6.	Rajesh	A plot has already been allotted to applicant's Father Bishna at serial number 15	Rajesh has been living apart from his father even before the violence occurred. Had separate Ration Card issued in the year 2011.
7.	Sanjay	A plot has already been allotted to applicant's Father Banni Singh at serial number 105	Sanjay has been living apart from his father even before the violence occurred. Had separate Ration Card issued in the year 2004.
8.	Rajesh	A plot has already been allotted to applicant's Father	Rajesh has been living apart from his father even before the



		Banni Singh at serial number 105	violence occurred. Had separate Ration Card issued in the year 2008.
9.	Ved Prakash	A plot has already been allotted to applicant's Father Jai Singh at serial number 222	Ved Prakash has been living apart from his father even before the violence occurred. Had separate Ration Card issued in the year 1999.
10.	Rajesh	Repetition of name. Already mentioned at serial no. 6	
11.	Reena Devi	A plot has already been allotted to applicant's Husband Surajbhan at serial number 219	Living separately from her husband. Presently living at tents/temporary accommodation provided at Camry Road, Hisar. No plot allocated to her.
12.	Santram	As per the previously prepared list for the rehabilitation of affected persons no documents have been found indicating possession of any separate plot.	Santram is the nephew of Late Tara Chand who was murdered during the violence of Mirchpur. Appeared and gave testimony as a witness in the Criminal Trial of Mirchpur case.
13.	Pritam	As per the previously prepared list for the rehabilitation of affected persons no documents have been found indicating possession of any separate plot.	Pritam is the nephew of Late Tara Chand who was murdered during the violence of Mirchpur. Appeared and gave testimony as a witness in the Criminal Trial of Mirchpur case.
14.	Satbir	A plot has already been allotted to applicant's Mother Parkasho at serial number 133	Satbir has been living apart from his mother even before the violence occurred. Had separate Ration Card issued in the year 2011.
15.	Rajkumar	A plot has already been allotted to applicant's son Mohan at serial number 166	Rajkumar died in the year 2022. His wife living under tents. No plot allotted. Had separate Ration Card issued in the year 2011.

17. A bare reading of the above table indicates that in case of Kamla Devi at Sr. No. 1 who was eyewitness to the brutal murder of her husband Tara Chand, 3 plots have been provided to each of her 3 sons. (It may be pointed out that said Smt. Kamla Devi has also been granted compensation of ₹15 lakhs; and each of her three sons has been granted,



ex gratia permanent job as also Govt. Accommodation at Hisar. Even a gunman has been provided to Kamla Devi.) The names at Sr. Nos. 2 and 10 have been incorrectly mentioned as admittedly, plots already stand allotted to them. The names at Sr. Nos. 12 and 13 are 'witnesses' in the criminal trial and not 'victims'; further, said applicants were not able to produce any documents indicating that they possessed any land in Mirchpur on 21.4.2010; and moreover, their family members have already been allotted three plots. In respect of the remaining 10 persons, admittedly plots have been allotted to the family members of the applicants. It may be noted that most of the applicants are shown to be living separately from the allottee only since 2011, i.e. after the incident in 2010. Thus, each of the 15 alleged non-allottees have been dealt with.

18. Reference needs also be made to the reply dated 14.07.2016 filed by the Special Secretary to Government, Haryana, Home Department; wherein it has been *inter alia* stated that as per information received from District Authorities after the incident of 21.04.2010, approximately 40-45 families had continued to reside in the village Mirchpur. Only 33 families had migrated from Mirchpur, who had also subsequently returned to the village; and that these families had never made any complaint against any co-villager regarding any threat or violence. This fact is not denied by learned counsel for the Review-Petitioners. As such, it is not clear as to why the present petitioners for such like displaced persons/victims also cannot go back to the village



Mirchpur to reside peacefully with their co-villagers. It is also necessary to point out in the above situation, it is not clear as to why petitioners insist on continuing to reside at private property by the name of Tanwar Farmhouse and are insisting for their rehabilitation outside their native village. This would lend credence to the submission of the respondents that the petitioners have chosen not to return back and have preferred to live in the vicinity of Hissar city due to chances of better earning. Needless to say, the same cannot constitute a ground for shifting and for rehabilitating them.

19 Further, the record reveals that monetary compensation has been provided to all the victims on account of death of their family members or loss of properties, for injuries suffered etc. By way of example, it may be pointed out that:

- Compensation of Rs.15 lacs has been given to Smt. Kamla Devi on account of death of her husband Tara Chand;
- As per the record, even Gunman has been provided to the victims including Kamla Devi wife of late Tara Chand;
- A sum of Rs.34,88,000/- has been spent on the reconstruction of 18 houses. Additional amount of Rs.26,78,500/- has been paid as compensation on account of loss of house and household goods;
- Rs.15,000/- each has been awarded as compensation to 179 families;
- Rs.10,000/- each to 206 families total amounting to Rs. 47,45,000/-;



- In case of injury, insult or annoyance, total amount of Rs.13 lacs has been disbursed to 52 injured persons;
- Under the Contingency Plan of the State Government daily use item amounting to Rs.41,05,570/- has been distributed to the affected families;
- Tents worth Rs. 8,08,054/-have been provided under contingency plan;
- Blankets were provided to 203 families of Balmiki community at the cost of Rs. 2,29,500/-;
- Facility of drinking water through water tanker was provided every day at Tanwar Farmhouse at a cost Rs.1,05,700/- till date of filing affidavit;
- Moreover, total 3163 persons from 1297 job cards have been provided employment under MGNREGA;
- An amount of Rs.79.72 lacs has been paid as wages to the Balmiki Workers/Victims and their families.

20. It has further been stated that if, in future, any person from affected families asked for employment, he/she be given employment against their demand.

21. As already pointed out above, in case of death, lump sum of Rs.15 lacs has been paid to Kamla Devi for the death of her husband Tara Chand and 3 plots have been awarded to her 3 sons. All the 3 sons of Kamla Devi have been provided ex-gratia permanent job as also Govt.



Accommodation at Hisar. Even gunman has been provided. Similarly, 26 other persons have been provided gunmen; total 77 CRPF personnel have been deployed for the protection of the Victims/Witnesses; and a total amount of approx. Rs.20 crores has been spent on Security Arrangements.

22. When confronted with these facts and figures, learned counsel for the Review-Petitioners still repeatedly continues to maintain that the said facts, figures and Reports are all incorrect. However, despite repeated Court queries, learned counsel is unable to demonstrate as to how and in what manner the said Reports and facts and figures, incorrect. In any event, vide order dated 09.01.2024, liberty had been granted to the petitioners to approach the Authority concerned in case of any further grievance.

23. It may also be pointed out that the Review-Petitioners have sought compensation of Rs.1 Crore in case of death and Rs.25 lacs in case of injury. This Court is therefore, constrained to observe that the entire exercise appears to have become a commercial enterprise.

24. In view of the above, no ground is made out for review of the order dated 09.01.2024. The Review Petition, accordingly, stands **dismissed**. However, leave is granted to the Review-Petitioners to approach the competent authority in case any grievance is still surviving.



25. Pending applications, if any, stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

25.07.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No