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CM-5054-CWP-2022 IN CWP-9130-2019

RAMESH RAZDAN AND OTHERS
V/S
STATE OF HARYANA AND OTHERS

CM-5020-CWP-2022 IN CWP-34738-2019

GIRDHARI LAL (SINCE DECEASED) THROUGH LRS
V/S
STATE OF HARYANA AND ORS

CM-5050-CWP-2022 IN CWP-37743-2018

REAPON TIKOO AND OTHERS
V/S
STATE OF HARYANA AND OTHERS

CM-5027-CWP-2022 IN CWP-34829-2019

JAGAR NATH LAHORI (SINCE DECEASED)
THROUGH LR
V/S
STATE OF HARYANA AND ORS

CM-5053-CWP-2022 IN CWP-12198-2019

TRILOKI NATH WAGVZARI AND OTHERS
V/S
STATE OF HARYANA AND OTHERS

CM-5032-CWP-2022 IN CWP-34743-2019

ATTAN JI FOTEDAR V/S STATE OF HARYANA & ORS

CM-5024-CWP-2022 IN CWP-34750-2019

RAVINDER KUMAR GARYALI
V/S
STATE OF HARYANA AND ORS

CM-5021-CWP-2022 IN CWP-34735-2019

BHUSHAN LAL KOUL
V/S
STATE OF HARYANA AND ORS

CM-5026-CWP-2022 IN CWP-34756-2019

SANJAY KUMAR DHAR
V/S
STATE OF HARYANA AND ORS

CWP-6696-2022

SANJAY KUMAR KHAROO
V/S
STATE OF HARYANA AND OTHERS

CWP-37888-2018(O&M)

VIJAY KUMAR KOUL
V/S
STATE OF HARYANA AND OTHERS

Present: Mr. Padam Kant Dwivedi, Advocate
for the applicant-petitioners.

Mr. Aman Bahri, Additional A.G. Haryana.

Mr. Arvind Seth, Advocate and
Mr. P.S. Chauhan, Advocate
for the respondent-HSVP.

The issue in all these petitions is with regard to allotment of residential plots to a particular community (Kashmiri Pandits) who were unfortunately displaced from their homes due to terrorism in the years 1990-91, in Jammu & Kashmir.

For 30 years, the matter of allotting plots to them has been hanging fire one way or the other for some reason or the other.

The petitioners in these cases also seek a stay on the draw of lots which to be held on 06.04.2022. Such stay is being sought on account of factors enumerated in the petitions/applications.

We are of the view that as regards the draw of lots to be conducted that may carry on but with all persons who are genuinely found to be displaced persons from Jammu & Kashmir due to terrorism, to be included in the draw of lots, but with the allotment of plots not to be finalized and with the Government to come up with a concrete policy and also explaining as to why it is linking mutation of plots purchased by the

unfortunately displaced persons in Bahadurgarh on earlier dates, to allotment of other plots in lieu thereof. The plots that they had originally purchased are stated to have been acquired but subsequently were agreed to be released subject to their title being transferred to the HSVP by the purchasers.

We would request the Government of Haryana to have a re-look at the entire issue, looking at the plight of those who have genuinely suffered loss of their homes at the hands of terrorists in Jammu & Kashmir more than 30 years ago and are continuing to suffer on account of no clear title to their homes.

It is pertinent to observe that persons displaced from Pakistan in 1947, were rehabilitated by the Government of India in different districts of the then composite Punjab with property allotted to them in terms of the property left behind by them in Pakistan, on verified claims. Hence, the Government of Haryana may look into the issue from that angle to rehabilitate the Kashmiri Pandits who were displaced from their ancestral homes in Kashmir due to terrorism.

Consequently, with the draw of lots to continue by including all those petitioners who are genuinely found to be displaced Kashmiri Pandits from Jammu & Kashmir due to terrorism, the allotment after draw of lots shall not be finalized till the Government of Haryana comes up with a concrete policy keeping in view the observations made hereinabove, in a very sympathetic manner. It is also to be noticed that learned counsel for the petitioners has brought to our notice that in CWP No.37631 of 2018, an

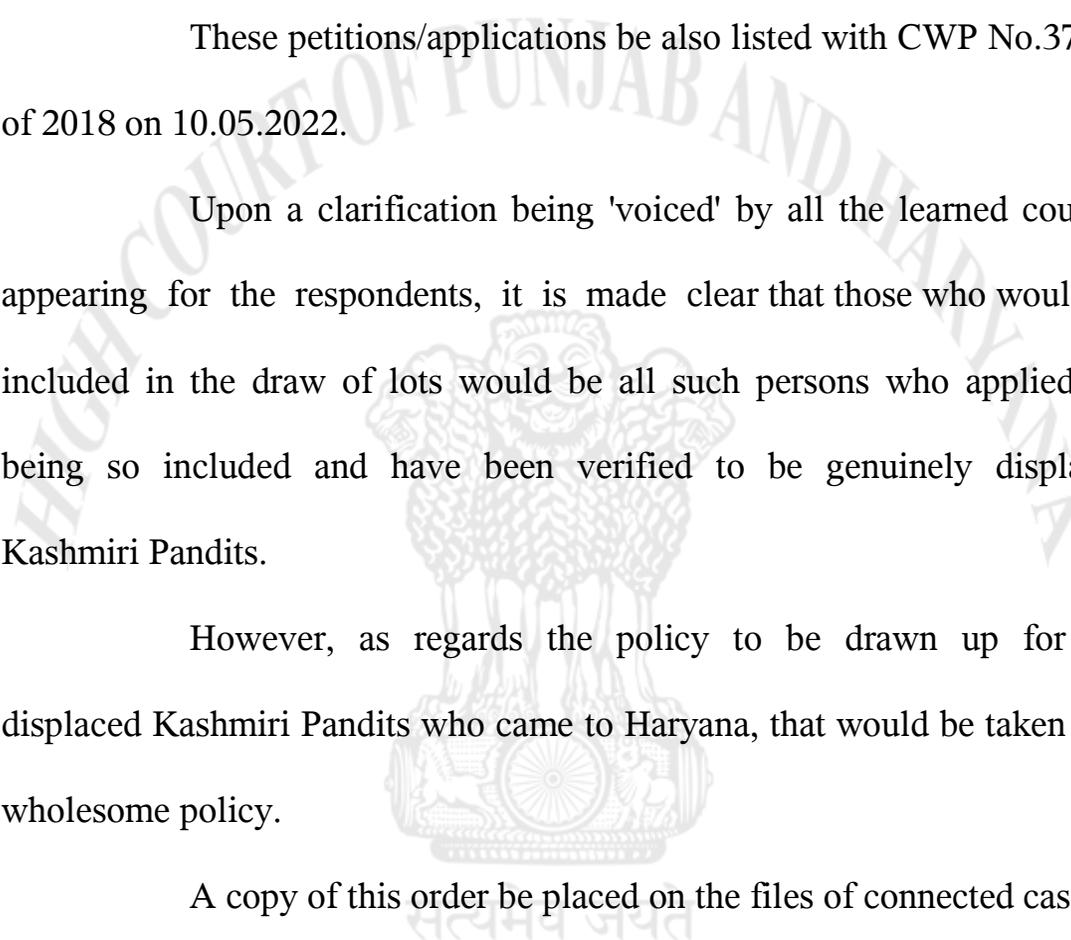
order has been passed on 19.12.2018 allowing the petitioners therein to be also be provisionally considered in the draw of lots to be held but without any equitable right conferred on them at that stage. That petition is stated to be coming up on 10.05.2022.

These petitions/applications be also listed with CWP No.37631 of 2018 on 10.05.2022.

Upon a clarification being 'voiced' by all the learned counsel appearing for the respondents, it is made clear that those who would be included in the draw of lots would be all such persons who applied for being so included and have been verified to be genuinely displaced Kashmiri Pandits.

However, as regards the policy to be drawn up for the displaced Kashmiri Pandits who came to Haryana, that would be taken as a wholesome policy.

A copy of this order be placed on the files of connected cases.



(AMOL RATTAN SINGH)
JUDGE

APRIL 5, 2022
'D. Gulati'

(LALIT BATRA)
JUDGE