



CWP-9825-2022 (O&M)

-1-

2023:PHHC:039255-DB

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 9825 of 2022

Date of Decision: 16.3.2023

Sarbjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Charanpal Singh Bagri, Advocate and
Dr. Gurjit Kaur Jassar Bagri, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

Mr. Karan Kumar Jund, Advocate
for the UOI-respondents No. 2, 3 and 11.

SURESHWAR THAKUR, J. (ORAL)

1. Since the relief as asked for in the instant petition, inasmuch as, the respondents concerned, being directed to make allotments of land to the family members of the deceased martyr, and, also the further relief for an entry in the revenue record, being made, hence is revealed in the reply on affidavit, furnished by the respondent concerned on 15.12.2022, to become accorded to the petitioner. Therefore, the learned counsel for the petitioner seeks, and, is granted permission to withdraw the instant petition.

2. Be that as it may, the prolonged gross insensitivity, and, apathy evidently shown by the respondents concerned, to the family members of the deceased soldier, who laid down his life, fighting for the nation during the Indo-Pakistan war in 1971, is but required to be deprecated in the strongest terms.

3. Though, the learned State counsel submits, that there was no



CWP-9825-2022 (O&M)

-2-

2023:PHHC:039255-DB

policy in prevalence at the relevant time, when the brother of the petitioner laid down his life in fighting for the nation, during Indo-Pakistan war. However, the said non-existence of any policy, was neither a sufficient cause nor a valid ground for the respondents concerned, to not yet make a special grant, as a measure of honour, to the services done to the country, by the deceased brother of the petitioner, who valiantly fought to protect the borders of the country from the enemy forces.

4. Even though, the respondents concerned, did show sensitivity to the fact of brother of the petitioner valiantly fighting for the nation, and, his also laying down his life in the service of nation, through their allotting in the year 1974, possession of about 3 biswas of land to the father of the martyr. Even then it is not a sufficient measure of honouring a deceased soldier, as in the mere handing over of possession, of about three biswas of land, by the respondent-State, to the father of the martyr, did always threaten the mere delivery of possession of about the said 3 biswas of land, with the possibility of a cloud being raised thereto or invasions being made thereto by any person. Therefore, it was but necessary that apart from possession of 3 biswas of land, being assigned to the father of the martyr, that a validly drawn instrument or a sanad, was also required to be immediately drawn, and, was required to be handed over to the father of the martyr. Moreover, it was also imperative that in quick spontaneity thereto, a revenue entry was required to be made in the revenue records concerned.

5. It is but unfortunate, that on account of the gross apathy, and, indolence of the respondent-State, rather in its failing to take all the above requisite steps, that the petitioner was driven to institute the instant writ petition before this Court in 2022. It is only on the filing of the instant writ



CWP-9825-2022 (O&M)

-3-

2023:PHHC:039255-DB

petition, before this Court, by the brother of the deceased martyr, that some sensitivity has dawned upon the respondent-State, inasmuch as, it has now come-forth with a reply, on affidavit, declaring that an allotment letter has been issued in the year 2022, and, also in pursuance thereto, a revenue entry has been made in the revenue record.

6. Reiteratedly, the above is not sufficient, as the respondent-State since the year 1974, when it merely handed over possession of 3 biswas of land to the father of the deceased martyr, upto 2022, rather remained unmoved, contrarily it galvanized into action only, upon, the brother of the martyr moving this Court. It was but needless for the brother of the deceased martyr, who laid down his life fighting for the nation, to become led to access the Courts of law. The said driving of the petitioner for relief, to the Courts of law, does decrease, and, devalue the eminent value of the services rendered to the nation by his deceased brother. Contrarily it was but expected, that all that was required to be done, was done but in prompt sequel to the allotment of possession of 3 biswas of land, being assigned to the father of the martyr in 1974. The evident inordinate delay but exemplifies gross apathy.

7. In consequence, for ensuring that hence-forth no such gross apathy or dereliction is made on behalf of the respondent-State, this Court deems it fit and appropriate, that the State of Punjab shall forthwith make atonements, and, expiations for the gross apathy, which it has shown to the surviving members of the soldier, who laid down his life fighting for the nation. The said atonement shall occur only upon its forthwith remitting a sum of Rs. 5 Lacs to the petitioner, but as compensation, for the above procrastinated delay, and, for its devaluing the eminent services as a soldier



CWP-9825-2022 (O&M)

-4-

2023:PHHC:039255-DB

in the Indian Army, as rendered by the deceased brother of the petitioner.

8. Moreover, any rigorous condition imposed against the allottee barring the allottee to mortgage or alienate the allotted land, is but oppressive, and, also is contrary to the completest rights as owner vested in the allottee.

9. The learned counsel for the petitioner prays for withdrawal of relief Nos. 3 to 10, as directed against the Union of India.

10. Prayer is accepted, but with liberty to file a representation in respect thereof before the Govt. of India.

11. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

March 16, 2023

Gurpreet

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