



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI

Writ Petition (M/S) No. 2263 of 2018

THDC India Ltd.

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Mr. Shobhit Saharia, Advocate for petitioner.

Mr. Suyash Pant, Standing Counsel for the State of Uttarakhand.

Mr. Neeraj Garg, Advocate for respondent nos. 5, 6/1, and 6/2.

Reserved on: 19.08.2026

Delivered on: 08.09.2026

JUDGMENT

By means of this writ petition, petitioner has sought the following relief:-

"1. Issue a writ, order or direction in the nature of certiorari quashing the order dated 08-09-2017 passed by respondent no. 3 and demand dated 17-02-2018 and communication dated 05-03-2018 issued by respondent no. 4.

2. Petitioner is challenging the decision taken by Grievance Redressal Cell, Tehri Dam Project on a complaint made by respondent no. 5, whereby it was held that respondent no. 5 is entitled for compensation, even though his property is situate beyond Reservoir



Level (R.L.) 835 meter and is not directly affected by Tehri Dam Project.

3. Grievance Redressal Cell directed Directorate of Rehabilitation to have the value of the house assessed and to pay compensation to respondent no. 5, within three months.

4. Learned counsel for petitioner contends that the impugned decision is unsustainable, as Grievance Redressal Cell was created by an interim order dated 24.04.2007, passed by Hon'ble Supreme Court, in SLP No. 22894 of 2005 (N.D. Jayal & another v. Union of India & others) and the said SLP was dismissed, vide order dated 19.02.2016 with liberty reserved for petitioners to approach the High Court for appropriate redress, in individual cases. It is thus contended that since existence of Grievance Redressal Cell came to an end with dismissal of SLP on 19.02.2016, therefore, complaint made by respondent no. 5 could not have been decided thereafter, on 08.09.2017. It is further contended that respondent no. 5 made complaint seven years after constitution of Grievance Redressal Cell regarding issues, which were not within its domain and the Cell in its order held that compensation should be paid for the entire property, even though it is neither



acquired nor affected by the project. It is further contended that the Grievance Redressal Cell was expected to decide minor complaints of project affected families, which were not paid compensation despite they being eligible, but in the present case, Grievance Redressal Cell exceeded its jurisdiction by directing to pay compensation for a property, which was not acquired and no compensation was payable for such property, as per the applicable policy. It is further contended that Grievance Redressal Cell directed for payment of full compensation for property situate above R.L. 835 meter, without specifying who will be the owner of that property, after payment of full compensation.

5. Learned counsel for the petitioner further contended that Grievance Redressal Cell erred in holding that non-payment of compensation for property situate above R.L. 835 meter is contrary to the Rehabilitation Policy, while the Rehabilitation Policy provides for compensation only to persons, whose property is directly affected due to construction of dam. Thus, it is contended that the Cell erred in directing for compulsory acquisition of a property, which the project proponent does not need. Learned counsel for the



petitioner submits that respondent nos. 5, 6, 7 & 8 were given admissible benefits under Rehabilitation Policy and were allotted 10 bighas of agricultural land as well as 200 square meters of residential plots at Pathri Bagh, District Haridwar.

6. Learned counsel appearing for respondents, however supports the decision taken by Grievance Redressal Cell.

7. The Grievance Redressal Cell has decided the complaint in favour of respondent no. 5 on the ground that his dwelling house, which is above R.L. 835 meter in Village Ghonti (District Tehri Garhwal) is now of no use to respondent no. 5, as his family has migrated to Pathri Bagh (Haridwar) after allotment of land under Rehabilitation Policy. The Grievance Redressal Cell has held that award of compensation for that house would be in consonance with Rehabilitation Policy. Relevant clause of Rehabilitation Policy, which provides for compensation for such property, however is not indicated in the order.

8. Reasoning given by Grievance Redressal Cell for deciding the complaint made by respondent no. 5 in his favour, is unsustainable. Merely because the house in question is not used by respondent no. 5 due to



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migration to Haridwar would not be sufficient for awarding compensation to him. Claim for compensation can be sustained only if it is established that the house is damaged or has become unusable due to Tehri Dam Project. There is no finding that the house has become unusable due to the project. Even otherwise also, the impugned order is silent regarding ownership; after payment of compensation for the house, no one can retain ownership after receiving full compensation for a property.

9. For the aforesaid reasons, the impugned order, passed by Grievance Redressal Cell is unsustainable in the eyes of law. Accordingly, the same is set aside. The writ petition is allowed and the matter is remitted back to Director, Rehabilitation (respondent no. 2), who shall decide the complaint made by respondent no. 5, as per law, afresh. No order as to cost.

MANOJ KUMAR TIWARI, J.

Dt: 08.09.2026
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