

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Reserved on: 22.09.2025
Pronounced on: 30.09.2025

Case No.:- WP(C) No. 976/2023
CM No. 2326/2023
c/w
CCP(D) No. 37/2025

Rashpal Singh

.....Petitioner(s)

Through: Mr. Suresh Kumar, Advocate.

Vs

UT of J&K & others.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Zaffar, Advocate for R-1 to 3.
Mr. Achal Sharma, Advocate for R-4.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. The petitioner, through the medium of the present petition, has challenged order No. PRO/2019/20/139 dated 30.04.2019 passed by respondent No. 3 by virtue of which 50% share of the relief sanctioned to the displaced persons of PoK has been directed to be paid to respondent No. 4. A further direction that whole of the sanctioned relief be paid to the petitioner has also been sought.
2. The facts emanating from the pleadings of the parties are that father of the petitioner, namely, Sewa Singh and father of

respondent No. 4, namely, Kaka Singh were the displaced persons of PoK and their names were reflected in Form-A issued by respondents No. 1 and 2. Both Sewa Singh and Kaka Singh have passed away.

3. A One Time Settlement Scheme for displaced persons was issued by Ministry of Home Affairs, Government of India, New Delhi on 22.12.2016, in terms whereof, central assistance of Rs. 2,000/- crore as rehabilitation package for 36,384 families displaced from PoK and Chhamb and settled in the State of Jammu and Kashmir was announced. Accordingly, a package of Rs. 5.5 lakh cash benefit per family was sanctioned by the Central Government.
4. It seems that when the aforesaid scheme was announced by the Government, the petitioner filed a civil suit before the court of Munsiff (Additional Special Mobile Magistrate), R.S. Pura, Jammu seeking a declaration that he, being son, is the legal heir of his father deceased-Sewa Singh and is entitled to claim and receive One Time Settlement compensation package of his deceased father. In the said suit, the petitioner impleaded the other family members viz Smt. Basant Kour (wife) and Sh. Manjit Singh, Paramjit Singh, Tarlochan Singh and Gurjit Singh, the sons of the deceased Sewa Singh, as parties to the suit.

5. It appears that respondent No. 4, who happens to be the daughter of late Kaka Singh, filed an application for impleadment in the said suit. However, the said application was dismissed by the civil court and ultimately vide judgement and decree dated 22.03.2018, the petitioner was declared as legal heir of deceased late Sewa Singh and he was held entitled to claim and receive One Time Settlement compensation package from respondent No. 3-Provincial Rehabilitation Officer, Jammu of deceased Sewa Singh, if permissible under rules.
6. It also appears that respondent No. 4 filed another suit before the same court, seeking a declaration that she, being the daughter of deceased Kaka Singh, is entitled to claim and receive share in One time Settlement compensation being the heir of deceased Kaka Singh, who was the displaced person of PoK. The said suit was decreed vide order dated 22.03.2018 and respondent No. 4 was declared as legal heir of deceased Kaka Singh and held entitled to claim and receive her share in the One Time Settlement compensation package from Provincial Rehabilitation Officer, Jammu.
7. Impugned order dated 30.04.2019 came to be passed by respondent No. 3-Provincial Rehabilitation Officer, Jammu on 30.04.2019 whereby it was held that the sanctioned

compensation shall be divided into two equal shares i.e., one share would go to the petitioner and another share would go to respondent No. 4. This order was challenged by the petitioner by way of an appeal before the Divisional Commissioner, Jammu who, vide order dated 04.09.2021 held that there is no provision of appeal in the Financial Assistance Scheme granted by the Ministry of Home Affairs, Government of India for displaced persons, as such, the appeal is not maintainable. The petitioner challenged the said order before the Financial Commissioner (Revenue) J&K who, vide order dated 05.07.2022, came to the conclusion that the said authority does not have jurisdiction to deliberate upon the issue.

8. The petitioner has challenged the impugned order dated 30.04.2019 passed by respondent No. 3-Provisional Rehabilitation Officer, Jammu on the ground that respondent No. 4 being a married daughter of late Kaka Singh is not entitled to any share in the compensation. It has been contended that in terms of Cabinet Order No. 578-C of 1954 dated 07.05.1954 whereby Allotment of Land to Displaced Persons Rules, 1954 have been notified, a married daughter is not entitled to any share in the compensation sanctioned in favour of displaced persons of PoK. Reliance in this regard has been placed upon Sub Rule (2) of Rule 15-B of Allotment of Land to Displaced Persons Rules, 1954.

9. I have heard learned counsel for the parties and perused record of the case.
10. It is not in dispute that as per Form-A, both deceased Sewa Singh, the father of the petitioner and deceased Kaka Singh, the father of respondent No. 4 find mention in the family of late Kahan Chand, being the sons. The compensation for displaced persons of PoK has been announced by the Government of India in terms of the Prime Minister's Development Package, 2015. Clause (5) of the said Scheme relates to eligibility of the beneficiaries. It reads as under:

5. ELIGIBILITY OF THE BENEFICIARY

The Claimant/ Head of the DP family or his/her successor or heir residing within the State should be part of the overall category of 36,384 families belonging to any of the following categories:-

- i. *Pakistan occupied Jammu & Kashmir 1947 DPs*
- ii. *Chhamb 1965 and 1971 (camp/non-camp) DPs.*

11. From a perusal of the aforesaid clause, it is clear that head of the family of the displaced person or his/her successor or heir is entitled to benefits under the said Scheme. As already stated, the names of father of the petitioner as well as father of respondent No. 4 figure in Form-A in the column relating to particulars of the displaced family, meaning thereby that both

the petitioner's father as well as father of respondent No. 4 were members of the displaced family. Admittedly, both of them have died, therefore, the compensation sanctioned in their favour has to be shared by their heirs/successors in accordance with law of succession applicable to them.

12. In fact, Department of Law, Justice & Parliamentary Affairs, Government of Jammu and Kashmir has, in its opinion to the Department of Disaster Management, Relief Rehabilitation and Reconstruction, clearly conveyed that a daughter of a displaced person, in view of the provisions contained in Hindu Succession Act, 1956, would be entitled to share in the compensation sanctioned under the Scheme because a daughter of a Hindu male is entitled to inherit property in preference to other collaterals. Thus, there is no manner of doubt in holding that the compensation sanctioned in favour of the displaced family of which father of the petitioner and father of respondent No. 4 were members, has to devolve upon the heirs in accordance with the Hindu Succession Act, 1956.

13. The contention of the learned counsel for the petitioner that compensation has to be paid to the successors of late Sewa Singh and late Kaka Singh in accordance with Sub Rule (2) of Rule 15-B of Allotment of Land to Displaced Persons Rules, 1954 is misconceived because the said Rule, which ousts a

married daughter from the share, governs the allotment of land and not the disbursement of compensation. This is clear from the language of Sub Rule (2) of Rule 15-B of Allotment of Land to Displaced Persons Rules, 1954, which is reproduced as under:-

“(2). If an allottee dies, his interest in the allotted land shall devolve on other members of his family in whose favour allotment of land has been originally made or regularized under these rules and on those who may have become members of the family by way of marriage, birth or adoption after such allotment excluding those who may have died earlier or may have left the family on account of marriage or adoption.”

(Emphasis supplied)

14. For what has been discussed hereinabove, it is clear that respondent No. 3 while passing the impugned order has not committed any illegality in distributing the component of compensation sanctioned in favour of late Kaka Singh and late Sewa Singh in equal shares in favour of the petitioner and respondent No. 4. The impugned order, therefore, does not call for any interference from this Court in exercise of its writ jurisdiction.

15. The writ petition lacks merit and is, accordingly, **dismissed**.

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16. By virtue of this contempt petition, the petitioner has complained about violation of order dated 31.12.2024 passed by the Division Bench whereby status quo with regard to release of compensation was directed to be maintained. Since the interim order has now merged with the final judgment, which has been passed today, therefore, contempt proceedings do not survive. The same are, accordingly, **closed**.

JAMMU
30.09.2025
Naresh/Secy.

(SANJAY DHAR)
JUDGE

Whether order is speaking: Yes

Whether order is reportable: No