

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

Reserved on: 27.10.2025

Pronounced on 30.10.2025

Uploaded on 30.10.2025

**Whether the operative part or full judgment
is pronounced: Full judgment.**

CJ Court:

LPA No. 255/2025

Cav No. 2407/2025

Rashpaul Singh

...Petitioner(s)/Appellant(s)

Through: Mr. Suresh Kumar, Advocate

v/s

Union Territory of J&K and others

.... Respondent(s)

Through:

Ms. Monika Kohli, Sr. AAG

Mr. Achal Sharma, Advocate for caveator

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL J.

1. Notice, waived by Ms. Monika Kohli, Sr. AAG for respondent Nos. 1 to 3.
With the appearance of Mr. Achal Sharma, Advocate on behalf of respondent No. 4, caveat shall stand discharged.
2. With the consent of the learned counsel appearing for the parties, the matter is heard finally.
3. The brief facts of case are that the father of the appellant, namely, Sewa Singh and that of respondent No. 4, namely, Kaka Singh, were real brothers, being sons of Late Kahan Chand and the displaced persons of Pak Occupied Kashmir (POK). Their names were recorded in Form-Alif issued by respondent Nos. 1 and 2. The father of the both appellant and

respondent No. 4 had expired since long. Respondent No. 4 got married with one Mohan Singh.

4. The Government announced a scheme under the banner of “Prime Minister Relief Package” for the rehabilitation of the displaced families from POK and as per the eligibility criteria, the claimant/head of the displaced persons’ family or his/her successor/heir residing within the State (now UT) should be a part of 36,384 families, belonging to any of the following categories:
 - a. POK J&K 1947 Displaced Persons, and
 - b. Chamb 1965 and 1971(camp/non-camp) Displaced Persons.
5. In order to claim the benefit of the scheme, the appellant filed a suit for declaring him as legal heir of deceased Sewa Singh for the purpose of availing the benefits of the above-mentioned scheme and the court of learned Additional Mobile Magistrate (Munsiff), R. S. Pura vide judgment and decree dated 22.03.2018 declared the appellant as the legal heir of late Sewa Singh. In the said suit, respondent No. 4 had filed an application under Order 1 Rule 10 of the Code of Civil Procedure for arraying her as defendant, but the same was dismissed by the court vide order dated 13.03.2018.
6. The respondent No. 4, in turn, filed a suit, titled, before the court of Additional Mobile Magistrate (Munsiff), R. S. Pura seeking declaration in her favour as the legal heir of deceased Kaka Singh and the said suit came to be decreed vide judgment and decree dated 22.03.2018.

7. When the appellant applied with respondent No. 3 to avail the benefits of the scheme being legal heir of deceased Sewa Singh, respondent No. 4 raised objection to the same by submitting the judgment and decree dated 22.03.20218, thereby claiming 50% of the share of the compensation under the scheme.
8. Respondent No. 3 vide order dated 30.04.2019 divided the share of one time settlement into two parts and granted 50% of the share to the respondent No. 4. The appellant preferred an appeal against the order dated 30.04.2019 on 14.05.2019 before the Divisional Commissioner, Jammu but the same was dismissed vide order dated 04.09.2021 on account of it being not maintainable. Thereafter, the revision petition preferred by the appellant before the Financial Commissioner (Revenue), J&K, met with the same fate in terms of order dated 05.07.2022.
9. Thereafter, the appellant preferred a writ petition bearing WP(C) No. 976/2023, titled, 'Rashpaul Singh vs. Union Territory of J&K and others', thereby assailing the order dated 30.04.2019 primarily on the ground that the family of late Sewa Singh was a separate family/entity and the appellant had filed a separate claim for compensation under the scheme, after getting the judgment/decreed dated 22.03.2018 being legal heir of Sewa Singh but respondent No. 4 without any right or interest being the legal heir of Kaka Singh filed her objections claiming 50% of the share of the compensation and the respondent No. 3 without affording any opportunity of hearing to him passed the order dated 30.04.2019. It was also urged by the appellant that the judgment and decree relied upon by

respondent No. 3 while passing the order impugned was in respect of status of respondent No. 4 being legal heir of deceased Kaka Singh and not Sewa Singh.

10. The respondent No. 4, being the contesting respondent, filed the response to the writ petition stating therein that the father of the appellant namely, Sewa Singh and her father Kaka Singh were real brothers, being the sons of Late Kahan Chand, and as per Form Alif were displaced persons of the POK, 1947, thereby constituting single family. Therefore, respondent No. 4 is entitled to 50% of the share of the said package meant for the families of the displaced persons.
11. The learned Writ Court vide judgment dated 30.09.2025 dismissed the writ petition preferred by the appellant and this is how the appellant has come up before this Court through the medium of instant *intra* court appeal for the purpose of assailing the judgment on the grounds *inter alia* that the learned Writ Court did not consider the vital aspect of the case that the decree of the civil court produced by respondent No. 4 and relied upon by the respondent No. 3, was obtained by instituting a false and frivolous suit, by arraying the members of her family only and the order dated 30.04.2019 has been passed in violation of principle of natural justice. It is also contended that in terms of Sub Rule (2) of Rule 15(B) of Cabinet Order No. 578-C of 1954, the interest of allottee, who has died, would devolve only on those members of the family, who are mentioned in Sub Rule (2) of Rule 15(B) of Cabinet order No. 578-C of 1954 and not by the provisions of Hindu Succession Act, 1956 but the learned Single Judge

had opined that the daughter of the displaced persons would be entitled to share of the compensation sanctioned under the scheme in terms of Hindu Succession Act, 1956, without considering the fact that respondent No. 4 was a married daughter and was debarred to inherit any interest in terms of Sub Rule (2) of Rule 15(B) of Cabinet order No. 578-C of 1954.

12. In Form Alif, the names of Kaka Singh and Sewa Singh, both sons of Kahan Chand have been mentioned. The appellant, in fact, wants to deprive respondent No. 4 from claiming the benefit under the scheme by placing reliance upon Sub Rule (2) of Rule 15(B) of the Cabinet Order 578-C of 1954. It needs to be noted that the issue involved in this case is not in respect of devolution of interest in the land allotted to the displaced persons but in respect of compensation announced by the Central Government.
13. A perusal of Rule 15(B) of Cabinet Decision (*supra*) reveals that if an allottee dies, his interest in the allotted land has to devolve upon 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 the members of the family by way of marriage, birth or adoption after allotment, excluding those who may have died earlier or may have left the family on account of marriage or adoption. A plain reading of the Rule *supra* makes it amply clear that it deals with the devolution of the interest in the allotted land only and not in respect of the compensation. Clause 5 of the said scheme mentioned above, does not also provide for denial of

compensation in favour of the married female heir of the head of displaced persons' family.

14. While dismissing the writ petition preferred by the appellant, learned Single Judge has also taken note of the opinion dated 09.07.2024 of the Department of Law, Justice and Parliamentary Affairs, Jammu and Kashmir to the Department of Disaster Management, Relief, Rehabilitation and Reconstruction, that the daughter of a displaced person would be entitled to share in the compensation under the scheme in view of the provisions contained in the Hindu Succession Act, 1956.
15. We have examined the judgment passed by the learned Writ Court and we do not find any reason, whatsoever, to interfere with the well-reasoned judgment. As such, the instant appeal is found to be misconceived. Accordingly, the same is dismissed.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR:
30.10.2025
Rakesh PS

Whether the order is speaking: Yes
Whether the order is reportable: No