

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

Case:- **RP No. 66/2024**
CM No. 5425/2024
c/w
CCP(S) No. 439/2024

- 1. Union Territory of J&K through
Commissioner/ Secretary to Government
of Jammu and Kashmir, Department of
Disaster Management, Relief, Rehabilitation
& Reconstruction, Civil Secretariat, Jammu 180001.**
- 2. The Provincial Rehabilitation Officer (PRO), Jammu,
Government of Jammu & Kashmir, 595-A Gandhi Nagar,
Jammu, Jammu & Kashmir – 180004.**

.....Petitioners

Through: Mrs. Monika Kohli, Sr. AAG.

Vs

- 1. Rajesh Kumar Basandhi, Advocate S/o Lt. Sewak Ram R/o Flat No. 404, Jaipuria Sunrise Greens, VIP Road, Zirakpur, Tehsil Derabassi, District SAS Nagar (Mohali) Punjab-140603.**
- 2. Om Parkash Sehgal alias Om Parkash, Advocate S/o Lt. Sewak Ram R/o Flat No. 2148-GF-MIG, Sector -66, SAS Nagar (Mohali,) Punjab-160062. Through his SPA, Rajesh Kumar Basandhi, Advocate S/o Lt. Sewak Ram R/o Flat No. 404, Jaipuria Sunrise Greens, VIP Road, Zirakpur, Tehsil Derabassi, District SAS Nagar (Mohali) Punjab-140603.**

.....Respondents

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Navyug Sethi, Advocate

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
14.05.2026

RP No. 66/2024

01. By virtue of a common judgment dated **20.12.2023**, this Court came to dispose of a bunch of long pending writ petitions which are being :-

- OWP No. 901/2017,
- OWP No. 1026/2017,
- OWP No. 1215/2017,
- OWP No. 1561/2017,
- OWP No. 1615/2017,
- OWP No. 1822/2017,
- OWP No. 750/2018 and
- CPOWP No. 80/2018.

02. The operative direction which came to be given in said judgment is reproduced hereunder:-

“59. As the Govt. of India has now volunteered to revisit and reorient the entire position with respect to 5300 displaced families of PoJK of 1947 through their successors/heirs settled outside the erstwhile State of Jammu & Kashmir and that includes consideration of their respective entitlement to get and be paid the one time settlement amount as afforded to the 26,319 displaced families of PoJK of 1947 settled in the erstwhile State of Jammu & Kashmir, so this court disposes of all the writ petitions with a direction to the Govt. of India to treat the 5300 displaced families of PoJK of 1947 through their successors/heirs settled outside the erstwhile State of Jammu & Kashmir alike and equally with the 26,319 displaced families of PoJK of 1947 settled in the erstwhile State of Jammu & Kashmir and consequently work out one time settlement rehabilitation package as made admissible to 26,319 displaced families of PoJK of 1947 settled in the erstwhile State of Jammu & Kashmir and further to accord same status and entitlements in their respective favour as held and enjoyed by the 26,319 displaced families of PoJK of 1947 settled in the erstwhile State of Jammu & Kashmir. Needful to be done at the earliest and preferable within six months next.”

03. The Union Territory of Jammu & Kashmir through Commissioner/ Secretary to Government of J&K, Department of Disaster Management, Relief, Rehabilitation & Reconstruction joined by the Provincial Rehabilitation Officer

(PRO), Jammu have come forward seeking review of the aforesaid judgment.

04. The institution of this review petition came to take place on **13.06.2024**, thus, afflicted with delay of **145** days and, as such, accompanied with an application **CM No. 5425/2024** for condonation of delay.

05. The two petitioners figured in common in all the aforesaid writ petitions with lead respondent being the Union of India through its Home Secretary. The Union of India as a respondent in the aforesaid writ petitions is, thus, not aggrieved of judgment and its effects whereas it is only the two respondents who have come forward with the review petition.

06. In and from para 2 onwards of the review petition, the review seeking petitioners have come forth with an averment that before coming to the ground of challenge the backdrop of controversy is required to be set out and, thus, paras 2 to 12 bear no reference to any ground on the basis whereof review of the judgment is being solicited leaving it for this Court to labour to figure out as to on what basis review of the judgment is being sought.

07. The only ground which is making sense as gatherable from the body of review petition is that the factual position of the Scheme of Financial Assistance to Displaced Persons of PoJK (1947) and Chamb (1965 & 1971) settled in J&K was not taking into consideration and also that three of said two review

petitioners' filing of a supplementary affidavit was also not taken into consideration as a result whereof there is an error apparent on the face of record on the basis whereof review of the judgment is being solicited.

08. These two aspects cannot afford by any stretch of reasoning a scope for the review seeking petitioners to submit that the judgment of this Court is amenable to review.

09. Whatsoever was obtaining on the record of the files came to be duly considered by this Court and that includes the reading and reference of Scheme in question and also the applications on record along with annexures thereto and, therefore, the review seeking petitioners cannot have the occasion and authority to say from their own self perspective that this Court did not take into account the factual position of the Scheme.

10. Therefore, this Court is not inclined to entertain the present review petition.

11. The judgment delivered by this Court was amenable to appellate jurisdiction available under the letters patent and for that purpose the review seeking petitioners ought to have availed better legal consultation in filing letters patent appeal instead of opting to come for review seeking adventure.

12. The review petition is, thus, held to be misconceived and deserves to be rejected. Hence, review petition is ***dismissed.***

13. Condonation application **CM No. 5425/2024** shall also stands ***dismissed***.

CCP(S) No. 439/2024

14. Let this contempt petition be segregated and be listed on **30.05.2026**.

(RAHUL BHARTI)
JUDGE

JAMMU
14.05.2026
Muneesh

