

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.7661 of 2013 (O&M)
Date of decision: February 24, 2015

Mukhtiar Singh Sandhu Col. (Retd.) ...Petitioner

Versus

Financial Commissioner (Revenue),
Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ravish Bansal, Advocate for the petitioner.
Mr. V. Ramswaroop, Addl. A.G. Punjab.

Rajan Gupta, J.

Petitioner has prayed for a writ in the nature of certiorari seeking quashing of orders dated 6.12.2010 and 18.9.2012, passed by Financial Commissioner (Revenue) Punjab, Annexures P-12 and P-15 respectively.

Learned counsel for the petitioner has asserted that Financial Commissioner has wrongly rejected the claim of the petitioner to be allotted land under the Displaced Persons (Compensation and Rehabilitation) Act, 1954. Petitioner being only legal heir of original allottee namely, Jawali, was entitled to allotment of 09 standard acres of land.

Learned State counsel was also asked to assist in the matter. Plea has been opposed by him. According to him, petitioner has not been able to show that he is legal heir of Jawali. Reliance cannot be placed on Will dated 15.3.1994 and affidavit of the petitioner in this regard. According to him, allotment of land to Jawali was cancelled way back on

20.2.1964. Said order was challenged after a lapse of 27 years. The Settlement Commissioner erroneously accepted the claim. He submits that the writ petition deserves outright dismissal.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Petitioner claims that in 1950-51, one Jawali was allotted 09 standard acres of land in village Faridwala, District Ferozepur in lieu of land stated to have been abandoned in village Halloke (Pakistan). Vide order dated 20.2.1964, allotment in favour of Jawali was cancelled with liberty to file appeal. Petitioner who claims to be only legal heir of Jawali, preferred appeal after lapse of 27 years i.e. in the year 1991. The Settlement Commissioner vide order dated 31.12.1991 accepted the appeal and directed Tehsildar-cum-Managing Officer to allot land as per instructions/rules. Matter, however, remained pending. Meanwhile, Jawali died in April, 2009. On 28.5.2009, a petition was filed before Claims Commissioner under Punjab Package Deal Properties (Disposal) Act, 1976 seeking allotment of 09 standard acres of land. However, Claims Commissioner dismissed the same on the ground that petition has been filed on behalf of a dead person. Order was further challenged before the Financial Commissioner, Punjab. The appeal was titled as 'Jawali Vs. State of Punjab'. Admittedly, Jawali had died in April, 2009. The Financial Commissioner found that there was no proof regarding allotment of land to Jawali in the year 1950-51 nor there was anything to show that this allotment was cancelled vide order dated 20.02.1964. The Financial Commissioner also found that the action of the Settlement

Commissioner in accepting the appeal preferred by Jawali through the petitioner after lapse of 27 years, was not warranted by law. This apart, it was not clear in what capacity petitioner could pursue the case on behalf of Jawali. A review application was also preferred against the order passed by the Financial Commissioner. However, same was rejected.

I find no infirmity with the order passed by the Financial Commissioner. During the hearing of the case, a query was put to counsel for the petitioner in what capacity petitioner could represent Jawali, who claimed to be original allottee of the land. However, no clear answer was forthcoming. Reliance was placed on registered Will dated 15.3.1994. Petitioner Mukhtiar Singh claims that he was only legal heir of Jawali in view of the Will.

Learned State counsel submitted that it was not possible to verify the authenticity of the Will dated 15.3.1994. Petitioner's locus standi to pursue the matter on behalf of Jawali was, thus, doubtful. The petitioner has not been able to produce any document before the revenue authorities to prove his claim. It is inexplicable how Settlement Commissioner accepted the claim of the petitioner after lapse of 27 years of alleged cancellation of allotment. The Financial Commissioner, thus, rightly interfered and set-aside order dated 31.12.1991, passed by the Settlement Commissioner. I find no ground to interfere in writ jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

February 24, 2015
'rajpal'