

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

CWP No.7067 of 2015

Date of Decision:-05.05.2015

Man Singh

.....Petitioner.

Versus

The Financial Commissioner (Revenue) Punjab, Chandigarh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Dinesh Ghai, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present writ petition is for quashing the orders dated 19.07.2013 (P-4) passed by the respondent no.2-Claims Commissioner Revenue and Rehabilitation Department, Punjab as well as order dated 12.08.2014 (P-6) passed by Financial Commissioner Revenue, Punjab whereby the case of the petitioner for allotment of deficient land to the extent of 55 Bighas in lieu of the land left in West Pakistan at the time of partition has been dismissed.

Learned Counsel for the petitioner has argued that as per Section 4-B of the 1976 Act, before deciding any claim petition regarding the verified or unverified claims, the authorities are required to summon the record and then decide because the present case was regarding deficiency of allotment made at the time of allotting the land, therefore, the authorities were required to call for the records and then decide the claim of the

petitioner. Thus prayer was made for setting aside the impugned orders.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit, being frivolous and the same deserves to be dismissed.

This Court in **CWP No.21110 of 2014** titled as **Santokh Singh & Ors. Vs. The Financial Commissioner Revenue, Punjab & Anr. Decided on 04.03.2015** has held that as per Rule 67-A of 1955 Rules, any claim petition of an unsatisfied claimant for making up the deficiency of land has to be filed on or before 31.12.1963 and not after a considerable delay. In the present case, admittedly, the claim petition has been filed by the petitioner in the year 2013, which is nearly after a delay of 50 years. Further in Santokh Singh's case (*supra*), this Court had also held that as per Section 4 of The Displaced Persons (Compensation & Rehabilitation) Rules 1955 a complete mechanism for providing compensation to the displaced persons in accordance with their verified claims, prepared under the 1954 Act for allotting available land or payment in cash towards total satisfaction of the verified claims has been given. If no person comes forward for his/her unsatisfied verified claim within the specified date i.e. 31.12.1963, a presumption is that the verified claims of the allottee/displaced persons has been satisfied. Thus, in view of the law settled by this Court in Santokh Singh's case (*supra*), the case as is being projected by the petitioner is devoid of any merit. Not only this, the said Act of 1954 already stands repealed in the year 2005 and only those matters were to be adjudicated in which the proceedings under the 1954 Act were pending. Admittedly, the petitioner has initiated its so called unsatisfied claim in the year 2013.

Hence the authorities below were right in dismissing the claim petition of the petitioner on the ground of delay as well as on merits and since the interpretation of statute was required, especially in view of the huge delay on the part of the petitioner, the authorities below were not required to call for the records and burden themselves with the facts unnecessarily.

In view of the discussion made herein above, this Court finds that the present writ petition is not only devoid of any merit but amounts to abuse of process of Court and therefore, is hereby dismissed with costs of Rs.10,000/- to be deposited within three months from the date of the passing of the present order. The said costs are to be deposited with the District Legal Services Authority, Patiala within the stipulated time, failing which the Member Secretary shall recover the same as arrears of land revenue.

**(JASWANT SINGH)
JUDGE**

May 05, 2015
Vinay