

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No. 1454 of 2015

DATE OF DECISION : 05.10.2015

Balbir Singh

.... APPELLANT

Versus

Union of India and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Rakesh Bhatia, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 18.08.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 17015 of 2015) filed by the appellant seeking direction to the respondents to grant him compensation for the damage of his property during the Sikh riots in the year 1984, has disposed of , while observing as under :-

“The petitioner has challenged the validity of the order dated 31.7.2013 passed by the Uttar Pradesh Administration Sampradayikta Niyantaran Prakosth, Home Department, holding that the claim of the petitioner has already been settled by the Punjab Government as he has been paid ₹ 2 lacs for the purpose of his rehabilitation after his migration from Uttar Pradesh.

Learned counsel for the petitioner has argued that the petitioner otherwise is entitled to 10 times compensation for loss to his property.

Nothing has been brought on record as to what was the property and what was its value in order to draw an estimate of the compensation to be paid to the petitioner.

In these circumstances, the only remedy, which can be availed by the petitioner, is of a suit for declaration and compensation because the petitioner has to first establish the property which he had in Uttar Pradesh at the time when he had to flee because of the Sikh riots and the extent of damage to his property for which he has been asking for compensation.

In view of the aforesaid, the present petition is not maintainable, rather the petitioner may avail his remedy of civil Court, if so advised.

Disposed of.”

After hearing learned counsel for the appellant, we are of the opinion that no interference in the aforesaid order is required, as the disputed questions of facts are involved in this case, and in this regard, the appellant has rightly been relegated to the Civil Court.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

October 05, 2015
ndj

**(MAHAVIR S. CHAUHAN)
JUDGE**