

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.6074 of 2014
Date of decision: 20.10.2015

Balbir Singh

... Appellant

Versus

Punjab Government and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anuj Balian, Advocate for the appellant.
Mr. Rajesh Mehta, Addl. AG, Punjab,
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Suit filed by the plaintiff was dismissed by the trial court vide judgment and decree dated 22.11.2012. As even the appeal preferred against the said decree failed and was dismissed vide judgment dated 22.01.2014, plaintiff is before this court vide this regular second appeal. Parties to the lis, hereinafter, would be referred to by their original positions in the suit.

Briefly, plaintiff prayed for a declaration that the defendant-Department be directed to render the details of the allotment of the land, which was allotted to his predecessors-in-interest in lieu of the land, which is depicted with khasra numbers in the plaint, situated in village Ghawandi, Tehsil

and District Lahore (West Punjab), Pakistan, owned by Kartar Singh and Sohan Singh etc. And the mistakes/mal-adjustments made in the allotment orders be corrected. Further, defendants be directed to allot the plaintiff the land as per his entitlement along with possession thereof. It was maintained that earlier, even father of the plaintiff had been pursuing the matter, but on one pretext or the other, defendants refused to render the details of allotment. Thus, the suit.

In defence, it was pleaded, inter alia, that the plaintiff had no *locus standi* to maintain the present suit. Jurisdiction of the civil court was barred. And, the Information Commissioner, vide order dated 01.12.2010, had already provided the necessary details and the documents asked for by the plaintiff. Allotment was alleged to have been made in accordance with law and, if at all, plaintiff was still aggrieved, he could assail those orders before the competent authority.

On a due and comprehensive consideration of the matter in issue, and the evidence on record, both the courts concurrently concluded that in the wake of the provisions of Section 34 of the Specific Relief Act, 1963, the declaration could only be granted when any person is entitled to any legal character or to any right as to any property. Therefore, the mere declaration for direction to the authorities to provide certain documents could not be granted. Plaintiff neither

claimed any specific declaration of his right to any particular property nor challenged the legality or validity of any specific order passed by the statutory authority. Rather, it was maintained that, if at all, there has been a defect or discrepancy while allotting the land to his predecessors-in-interest, the same be rectified. That being so, it was concluded that the relief prayed for being vague and uncertain, could not be granted. Concededly, the predecessors-in-interest of the plaintiff had migrated from Pakistan after partition in the year 1947. And, the plaintiff raised a dispute as regards the rehabilitation and compensation paid to his predecessors-in-interest after over half a century. Not just that, plaintiff (PW1) conceded in his cross-examination, that his father had expired in 1976 and he did not know if his father ever challenged the allotment during his lifetime. He also admitted that he had separately filed a claim before the Settlement Officer and the matter was sub judice. In reference to the provisions of Section 36 of The Displaced Persons (Compensation & Rehabilitation) Act, 1954, it was observed that jurisdiction of the civil court was barred qua the matter as regards the rehabilitation and compensation to the displaced persons.

Learned counsel for the appellant could not point out as to how the conclusions that had concurrently been recorded by both the courts were either contrary to the

position on record or suffered from any material illegality. No other argument was advanced.

In the wake of the position as set above, there hardly exists any ground, least plausible in law, to interfere with the decree being assailed. No question of law, much less any substantial question of law, arises for consideration. Appeal being devoid of merit is accordingly dismissed.

October 20, 2015
Rajan

(Arun Palli)
Judge