

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.23748 of 2016
Date of decision:18.11.2016**

Inder Singh

...Petitioner

Versus

The Financial Commissioner (Revenue) Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Dinesh Ghai, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned appellate order dated 12.8.2014 (Annexure P-56), whereby appeal of the petitioner was dismissed against the order dated 31.1.2014 (Annexure P-54), petitioner has approached this Court by way of present writ petition, seeking a writ in the nature of certiorari, for quashing the impugned orders. Petitioner also seeks quashing of the order dated 17.11.2015 (Annexure P-1/B) passed by respondent No.1, whereby review application of the petitioner, seeking review of the above-said order dated 12.8.2014, was dismissed.

Heard learned counsel for the petitioner.

As per the pleaded and argued case on behalf of the petitioner, one Kartar Singh son of Buta Singh was the allottee, being a displaced person. Petitioner claims himself to be the tenant of allottee Shri Kartar Singh. Petitioner does not claim any allotment in his favour, even today. He seeks cancellation of allotment of his landlord Kartar Singh. Such a fact situation was never covered under the provisions of Section 4-B of The

Punjab Package Deal Properties (Disposal) Act, 1976, as amended in the year 2009.

During the course of hearing, when confronted with the above-said factual as well as legal aspect of the matter, learned counsel for the petitioner could not address any meaningful argument and rightly so, it being a matter of record. His only submission, in this regard, was that since the matter was pending, it should have been decided under the Amendment Act of 2009. However, learned counsel for the petitioner failed to bring his case within the scope of Section 4-B of the Amendment Act of 2009. He has also failed to point out any material available on record, which may even remotely suggest that petitioner was having any locus standi to challenge the allotment of his landlord, only because he was continuing in position as tenant on the land allotted to his landlord.

Having said that, this Court feels no hesitation to conclude that the petitioner had no locus standi in the matter to challenge the validity of allotment of land in favour of his landlord. Neither learned counsel for the petitioner was able to point out any grievance of the petitioner in this regard nor he could point out any other material, which may advance the case of the petitioner in any manner.

Petitioner also does not claim himself to be a displaced person. The property in question was allotted to Shri Kartar Singh, a displaced person, in the year 1963, by the competent authority. Pursuant to the allotment, allottee namely Shri Kartar Singh made the full payment and only thereafter conveyance deed dated 27.9.1969 was executed in his favour. It is also pertinent to note here that a complaint against the allotment was

dismissed vide order dated 22.8.1990 by the then Tehsildar Sales-cum-Managing Officer, as recorded by the Claims Commissioner, Punjab, in para 6 of his impugned order dated 31.1.2014 (Annexure P-54).

It is also relevant to note here that neither the petitioner is claiming ownership of the land in question nor he is claiming allotment thereof, thus, he had no locus standi to challenge the validity of allotment made in favour of his landlord namely Shri Kartar Singh, in the year 1963, by the competent authority. Petitioner, as a matter of fact, had no case either on facts or in law.

A combined reading of the impugned orders Annexures P-54 and P-56 would make it crystal clear that neither the Claims Commissioner, Punjab-respondent No.2 nor the Financial Commissioner (Revenue), Punjab-respondent No.1, committed any error of law, while passing their respective impugned orders, contained in Annexures P-54 and P-56 as well as Annexure P-1/B.

The relevant observations made by the learned Financial Commissioner (Revenue), Punjab, in paras 3 and 4 of his impugned order dated 12.8.2014 (Annexure P-56), which deserve to be noticed here, read as under:-

“When the matter was taken up for consideration, Sh.Dinesh Ghai, counsel for the appellant, was asked to address the issue of maintainability of this appeal. It was put to him that under the Amendment Act of 2009 only a displaced person could file a claim before the Claims Commissioner. The present appellant did not claim to be a displaced person and hence was not competent to file the present appeal, or even the petition before the Claims Commissioner. At this counsel

submitted that the appellant had filed a complaint against the wrongful allotment of the property and hence was fully competent to file the present appeal. To my mind, however this is not an acceptable proposition. Section 4B of the Act, as inserted in 2009, provides that a displaced person in whose favour an order regarding entitlement of property in lieu of property left in Pakistan was passed but possession had not been delivered, or whose case was pending before any authority at the time of the repeal of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, can file a claim before the Claims Commissioner. Any such person can file further appeal to the Financial Commissioner if he is not satisfied with the orders of the Claims Commissioner. The present appellant however does not fall into any of the above-mentioned categories which are entitled to move the Claims Commissioner. He is not a displaced person and hence there is no question that his case is pending with any competent authority. The Amendment Act of 2009 gave only a limited right to displaced persons whose rights might have been defeated by the repeal of the Displaced Persons (Compensation & Rehabilitation) Act, 1954. Persons other than displaced persons cannot claim the benefit of this limited relief. The appellant is not a displaced person and hence is not entitled to pursue his appeal.

As a result of the above discussion, this appeal is dismissed in limine is not maintainable.”

Since no error apparent on record was found in the above-said order, nor any such error could be pointed out by the learned counsel for the petitioner, while arguing the review application before respondent No.1, the review application was rightly dismissed by the learned Financial Commissioner (Revenue), Punjab, vide impugned order dated 17.11.2015

(Annexure P-1/B) and the same also deserves to be upheld.

In view of what has been discussed hereinabove, it can be safely held that since the petitioner was neither claiming himself to be a displaced person nor he was praying for any allotment for his verified or dissatisfied claim, his case would not be covered under Section 4-B of the Act of 2009. That is what has been held by the learned Financial Commissioner, while passing the impugned order (Annexure P-56) and the same deserves to be upheld, for this reason also. Had the petitioner been claiming himself as a displaced person, praying for allotment for his verified or unsatisfied claim, matter would have been different. However, that is not the case here.

As noticed hereinabove, it does not appeal to reason as to how the petitioner is feeling aggrieved against the order of allotment, made by the competent authority in the year 1963, in favour of his landlord namely; Shri Kartar Singh, particularly when petitioner himself is beneficiary, being the tenant on that very piece of land. In this view of the matter, it is held that petitioner had no locus standi to challenge the allotment order passed by the competent authority in favour of Shri Kartar Singh.

Learned counsel for the petitioner also failed to point out any patent illegality or perversity in either of the impugned orders passed by the respondent authorities. Further, no prejudice of any kind, whatsoever, has been pointed out, which might have been caused to the petitioner by passing the impugned orders, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present writ petition stands dismissed, however, with no order as to costs.

18.11.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No