

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4178 of 2016 (O&M)

Date of decision: 11.7.2016

Krishan Lal and others

.. Petitioners

Vs.

Union of India and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. JK Goel, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Present petition is directed against the impugned order dated 17.4.2015 (Annexure P-8), whereby claim of the petitioners for further allotment was not found to be justified and accordingly declined. Thereafter, petitioner approached the Financial Commissioner, who found their claim to be misconceived and declined to interfere, vide his order dated 12.1.2016 (Annexure P-9).

Undisputed facts of the case are that Late Sarv Sh. Nanka Ram and Daina Ram were displaced persons and they were allotted land in village Chundipur Paar, Tehsil and District Karnal. This allotment was made in the year 1956. They were also allotted land measuring 3 standard acres in village Newal, District Karnal in the year 1956. However, they did not take possession of the allotted land in village Newal. The said allotment came to be cancelled vide order dated 31.3.1964. The cancellation was

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never challenged.

Thereafter, the present petitioners tried to rake up the issue after a very long period and the competent authority rejected their claim on 16.8.2004. Learned counsel for the petitioners has stated that order dated 16.8.2004 was challenged but to no avail because the Chief Settlement Commissioner, Haryana, vide his order dated 4.4.2006 declined the claim of the petitioners and this order became final.

After about 7-8 years, petitioners started instant second round of litigation raising a wholly misconceived plea. In compliance of the order dated 11.7.2014 passed by this Court in CWP No. 9936 of 2014 (Krishan Lal and others Vs. Union of India and others), Naib Tehsildar (Sales) Karnal, again considered the claim of the petitioners but found the same totally baseless, while passing the self contained order dated 17.4.2015 (Annexure P-8). Thereafter, Financial Commissioner, vide his order dated 12.1.2016 (Annexure P-9), held that revision petition filed by the petitioners as not maintainable. Hence this writ petition.

After hearing learned counsel for the petitioners and going through the record of the case, this Court is of the considered opinion that present writ petition is without any merit and liable to be dismissed.

Having been confronted with the abovesaid facts of the case, learned counsel for the petitioners could not substantiate any of his arguments and rightly so, it being a matter of record. It has gone undisputed throughout that when the land measuring 3 standard acre was allotted in favour of Late Sarv Sh. Nanka Ram and Daina Ram in the year 1956, out of revenue estate of village Newal, Tehsil and District Karnal, they did not take the possession thereof. Once the allottees did not take the possession

of the allotted land within the stipulated period, the allotment came to be cancelled vide order dated 31.3.1964. Cancellation of allotment was also never challenged. Legal heirs of the abovesaid original allottees sought to raise this stale claim after an inordinate long delay of more than five decades.

Since the cancellation of allotment vide order dated 31.3.1964 had become final long ago, legal representatives of the abovesaid original allottees could not make out a case for interference before this Court. Their claim was initially rejected by Tehsildar (Sales), Karnal, vide order dated 16.8.2004 and their revision petition against the said order was also dismissed by Chief Settlement Commissioner, Haryana, vide order dated 5.4.2006, which they did not challenge any further and said order also became final.

A bare perusal of the impugned order dated 17.4.2015 (Annexure P-8) passed by the Naib Tehsildar (Sales), Karnal, would make it crystal clear that claim of the petitioners had been thoroughly considered but the same was found to be wholly misconceived and baseless. The relevant part of the order dated 17.4.2015 passed by the Naib Tehsildar (Sales), reads as under:-

“ The claim of the allottees has already been rejected by the then Tehsildar, Sales, Karnal, vide his order dated 16.8.2004 on above ground and the and the petitioner filed revision petition before the Chief Settlement Commissioner, Haryana and the same was disposed of vide his order dated 5.4.2006 after coming in force of Displaced Persons Claims and Other Laws Repeal Act 2005 and

further proceedings were stopped. Now the legal notice is served by the petitioner and also filed the above CWP No. 9936 of 2014 in the Hon'ble High Court in which the Hon'ble High Court has given directions to decide the matter of legal notice of the petitioners.

As per facts mentioned above, the deficiency of the land 3 SA-15-3/4 unit was allotted to the original allottees Sh. Nanka Ram and Daina Ram in the year, 1956 in village Newal of which they were entitled and they had not taken the possession of the said land and the same was cancelled vide order dated 31.3.1964 and they had also requested to the authority that they had not taken possession of the land and rent be recovered from the persons who was in possession of the land but they had never filed any objections against the order cancellation of allotment dated 31.3.1964 and also not filed any appeal/revision etc. before the competent authority when these facts came in their notice in the year, 1964, so it seems that the original allottees were fully satisfied about the allotment of land in village Chundipurpaar. The entitlement of allotment has already been decided in the year, 1956 by the Department when the allotment was made in village Newal but they had not taken the possession of the same and the same was cancelled vide order dated 31.3.1964 and the claim of the petitioners has also been rejected by the Authority on 16.8.2004 on the ground of limitation. So, I agree with the

said order dated 16.8.2004 and the legal notice is hereby rejected.”

Against the abovesaid order, petitioners approached the Financial Commissioner by way of revision petition which was rightly found not maintainable vide order dated 12.1.2016.

In view of what has been discussed hereinabove, this Court is of the considered view that present writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

11.7.2016
AK Sharma