

593

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

CWP-15754-2000

Date of decision : 21.03.2017

Atma Ram (since deceased) through LRs

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Sharma, Advocate
for the petitioner.

Mr. Jagdeep S. Rana, Advocate for
Mr. Brijeshwar Singh Kanwar, Standing Counsel,
for respondent Nos.1 & 3-Union of India.

Mr. Rajbir Singh, AAG, Haryana
for respondent Nos.4 & 5.

Ms. Monica Chhibber Sharma, DAG, Punjab
for respondent No.6.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioner in the present petition is for issuance of a writ in the nature of *mandamus* directing the respondent(s) to transfer the evacuee properties allotted to him under the provisions of Erstwhile, Displaced Persons (Compensation and Rehabilitation) Act, 1954 (for short '1954 Act') and the Rules framed thereunder.

Mr. S.K. Sharma, learned counsel for the petitioner(s) submits that vide allotment letter dated 20.11.1961 (Annexure P-1), the Settlement Officer, Government of India, Ministry of Rehabilitation, had informed that three evacuee properties, one at Dabwali and two at Gohana, had been allotted to the petitioner(s), but he should contact the concerned District Rent and Managing Officer, Rohtak. These properties as per the averments

had been allotted against the compensation available to him under the statement of accounts. However, one property at Gohana was given to Shri Atma Ram, but the properties at Dabwali and Gohana were not transferred. Many representations to the Managing Director Sales Office, Chief Settlement Commissioner, Government of India, Ministry of Rehabilitation, were given, but no response. The petitioner then approached respondent No.4, namely, Rehabilitation Department through Commissioner vide representation dated 29.02.1988 (Annexure P-8), even a sent a letter dated 12.03.1988 (Annexure P-9). However, received an intimation vide letter dated 12.04.1988 (Annexure P-10) for submission of the attested photocopy of the map qua claim of Gohana. The petitioner is stated to have sent a reply vide letter dated 23.04.1988 (Annexure P-12) and postal receipt is (Annexure P-11). However, another letter, in this regard, was also sent to the Tehsildar (Land Acquisition Officer), Rohtak and Tehsildar Sales, Sirsa on 07.11.1988 (Annexure P-13). A letter dated 18.11.1988 (Annexure P-14) was received by Atma Ram (since deceased) from the Tehsildar Sales, Rohtak that the property bearing No.BVIII/11/3/Gohana, the record of which had been allotted to one Sh. Ram Lal son of Sh. Kanshi Ram by the Government of India, therefore, the property was not valid in his name and was directed to correspond with the Government of India. The petitioner is stated to have written a letter dated 19.05.1988 (Annexure P-15) to the Commissioner Ambala Range and one letter dated 17.11.1988 (Annexure P-16) to the Government of India, Ministry of Rehabilitation, O/o Settlement Office, New Delhi, indicating that he had been allotted a map of only property Claim No.11-3 V/VII Gohana by the Commissioner, Secretary to the Government of Haryana, Ministry of Rehabilitation

Department, he has been informed that the claim has been sent to you and therefore, requested to apprise regarding the claim having been allotted to Ram Lal. A letter (Annexure P-17), in this regard, was sent to the Tehsildar (Sales), Rohtak. However, vide Annexure P-18, Atma Ram received a letter from the Deputy Commissioner Sirsa that a report had been called from the Sub-Tehsildar (Sales), which informed that no claim was pending. Even legal notices dated 09.11.1991 (Annexure P-20) and 15.07.2000 (Annexure P-21) have been sent, but the authorities did not pay any heed.

Reply has been filed on behalf of the respondent(s), wherein it has been stated that the petition deserves to be dismissed as the petitioner has failed to file any appeal/revision before the competent authority and as well as on the ground of delay and laches. However, in paragraph 4, the following stand has been taken which reads as under:-

"The Compensation file of the petitioner bearing CAF Regn. No.P/HS/7665 from which the adjustment of cost etc. of the properties involved in this writ petition allegedly to have been carried out also could not be traced from among around 11 lakhs such old files despite best efforts made. In this connection, it is humbly submitted that this Ministry has taken up the job of preparing a computerized inventory of the said old records and transferring them to the National Archives of India for past three years. In this process all the records/files have got mixed up and are not lying in an orderly and arranged manner. The work of transferring such huge number of claims/compensation records and re-arranging and placing them in order categorically by the National Archives Department may take a consideration time. During this transit period, this Ministry is facing a great difficulty in tracing any claims/compensation related files."

It is very strange that the authorities at the helm of the affairs had come out with the plea that they have taken long time in re-arranging the files i.e. in the absence of concerned Compensation Application Form (CAF) file belonging to the petitioner.

Keeping in view the aforementioned facts, I intend to dispose of the present writ petition with a direction to the Under Secretary in the FFR Division of the Ministry of Home Affairs, Government of India, having office at NDCC-II Building, Jaisingh Road, New Delhi, to decide the case of the petitioner(s) after affording the opportunity to the LR's of the petitioner, namely, Atma Ram etc.to place on record all the documents.

The petitioner shall approach the authorities with all the relevant documents including Compensation Application Form (CAF). In case, all documents are provided, the Authority shall take the decision thereon within a period of six months from the date of the receipt of the certified copy of this order.

Let this order be sent to the LR's of the petitioner, namely, Atma Ram, for compliance.

With the aforementioned observations, the present writ petition stands disposed of.

21.03.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

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Whether Reportable Yes/ No