

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

**CWP No.12170 of 2017
Date of Decision.31.05.2017**

Tehal Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

Present: Mr. J.K. Singla, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The petitioners are aggrieved of the impugned order dated 13.12.2013 (Annexure P-5) whereby their application submitted to the Spl. Secretary Revenue-cum-Claims Commissioner, Punjab, exercising the powers under the Punjab Package Deal Properties (Disposal) Amendment Act, 2009 has been dismissed.

The provisions of Rule 67-A of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 would not be attracted, in view of the fact that predecessor-in-interest of the petitioner was allotted 24 kanals 1 marla of land and land measuring 9 kanals 7 marlas has yet to be allotted to make up the deficiency. Jamabandies of the Pakistan are testament to the same. All these factors have not been taken into consideration by the revenue authorities and therefore, the order under challenge is not sustainable.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the impugned order is perfectly legal and justified and do not call for interference, as there is no force in the argument

on the premise that the application aforementioned has been moved after 50 years i.e. in the year 2013 with regard to deficiency. The land already vested in the State and must have been utilized. No explanation has come forth for moving the application at such belated stage. Even Section 4-B of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 envisages that proceedings should be pending before the competent authority for allotment of land or possession on 05.09.2005 when Displaced Persons (Compensation and Rehabilitation) Act, 1954 was repealed.

The case of the petitioner, thus, in my view suffers from delay and laches and rightly, has been declined. I do not find any reason to interfere with the order under challenge. The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

May 31, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No