

CWP No.25993 of 2017

[1]

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

**CWP No.25993 of 2017
Date of decision:15.11.2017**

Sh. Gokal Chand Mehta

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 08.07.2015, by which his claim, made in lieu of the property(ies) left in Pakistan at the time of partition, has been declined.

Counsel for the petitioner has submitted that the predecessor-in-interest of the petitioner late Dhola Mal Mehta had got registered his claim on 07.04.1948 with the Registrar, Refugee Claims, Government of East Punjab in respect of the property(ies) left by him in Multan District. However, he has referred to section 2(E) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 to contend that the verified claims means the claims registered under the Displaced Persons Claims Act, 1950.

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

While passing the order on 08.07.2015, the Ministry of Home Affairs, Government of India, mentioned that the petitioner has already been informed vide letters dated 26.05.2015 and 19.06.2015, expressing their

inability to accept his claim. The complete text of the letters dated 26.05.2015 and 19.06.2015 as well as the impugned order dated 08.07.2015 is reproduced as under:-

Letter dated 26.05.2015

“Please refer to your representation dated received through Prime Minister's Office for grant of Claim against the property left by L. Sh. Dhola Mal S/o Niamta Mal during partition of the country based on “Certificate of Registration of Refugee Claim” issued by the office of the Registrar, Refugee Claims, Government of East Punjab.

Examination of the “Certificate of Registration of Refugee Claim”, it reveals that it is only a certificate of registration of refugee claim before Registrar of Refugee Claims, Govt. of East Punjab on 07.04.1948. Copy of the Certificate attached with your application does not disclose as to the said claim was ever got assessed/verified by the deceased from the authorities prescribed under the Displaced Persons Verification Claims Act, 1950. It is further to intimate that all the claimants holding such verified/assessed claims were required to file Application for payment of compensation under the provisions of Displaced Persons (Compensation & Rehabilitation) Act, 1954 and Rules framed thereunder within a stipulated period. If the claimant has got any claim verified and filed requisite Application for payment of Compensation in lieu of it, the Claim Index No. or the registration No. of the said Compensation Application No. (CAF) may please be intimated to this Ministry for examining the matter further.”

Letter dated 19.06.2015

“I am directed to refer to your Public Grivance Registration No. PMOPG/D/2015/60973 dated 26.03.2015 and to say that Compensations have been paid to the displaced persons from the then West Pakistan in lieu of the property left behind in Pakistan in terms of the provisions of DP (C&R) Act, 1954 (now repealed) against the verified claims filed by the claimants. If your grand father (Late Shri Dhala Mal S/o Niamat Mal) had filed the claim with the then Ministry of Rehabilitation, Govt. of India and the

same has been verified, you are requested to intimate the Claim Index Number and Claim Application Form Number (CAF No.) to this Ministry so that the relevant files can be traced and the matter examined.”

Letter dated 08.07.2015

“Please refer to your representation dated 26.06.2015 regarding Claim against the property left by L. Sh. Dhola Mal S/o L. Niamta Mal during partition of the country, it is stated that the position has already been informed to you vide this Ministry's letter of even number dated 26.05.2015 & 29.6.2015.

It is further informed that the displaced persons from the then West Pakistan who have not filed their claims with the then Ministry of Rehabilitation are not entitled to any compensation now in lieu of properties left behind in West Pakistan.”

From a perusal of the aforesaid orders, it is apparent that the petitioner does not have any merit in his claim nor the provision of Section 2(E), relied upon by the petitioner, is applicable because verified claim does not only mean any claim having been registered but it means a claim which has been registered and in respect of which a final order has been passed under the Displaced Persons Claims Act, 1950.

Thus, in my considered opinion, there is no merit in the present petition and hence, the same is hereby dismissed in limine.

November 15, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No