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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8382/2016

SEWA RAM

..... Petitioner

Through Mr Himanshu Gupta, Advocate.

versus

UNION OF INDIA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.07.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(ii) issue a writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondent herein to immediately release/pay to the Petitioner herein the remaining part of the unpaid claim i.e. Rs.12,026/- under the rehabilitation and/or settlement policy of the Government of India existing at the relevant time, which amount has till date remained outstanding and payable since the date of announcement of the total claim vide order dated 28.2.1952, alongwith interest @ 24% per annum from 28.2.1952 till the date of payment;

(iii) issue a writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India thereby directing the Respondent herein to also provide to the Petitioner the revenue records of the subject 2 rural properties situated in Village Dulewala, Tehsil Bhakkar, District Mianwali, West Punjab (Pakistan) of Petitioner's father Lt. Sh. Sobha Ram.”

2. It is the petitioner's case that the petitioner's late father Sh Shobha

Ram owned two rural properties located in village Dulewala, Tehsil Bhakkar, District Mianwall, West Punjab (Pakistan). The petitioner's father expired in the year 1947 and was survived by his widow Smt Veeran Bai and his two minor sons, including the petitioner. The petitioner claims that the petitioner's mother Smt Veeran Bai submitted a claim for ₹20,000/- on 28.02.1952 as per the rehabilitation/settlement policy of the Government of India as compensation for the aforesaid two properties that were owned by her late husband.

3. The petitioner states that the Claims Officer, Bhakkar Rural, Gurgaon, Camp at Kotkapura (P.E.P.S.U.) passed an order dated 28.02.1952, assessing the total value of ₹17,550/-. It is stated that pursuant to the above assessment order, the petitioner's mother made an application for release of compensation and, on 28.12.1956, a sum of ₹5,524/- was released to her by the Government of India towards part payment of the aforesaid claim. The petitioner now claims that he is entitled to the balance payment of ₹12,026/- which remains outstanding.

4. Concededly, neither the petitioner nor his mother took any steps for release of the said amount after 28.12.1956. Almost fifty nine years later, the petitioner filed an application dated 10.06.2015 under the Right to Information Act, 2005 seeking information with regard to the disbursement of the announced claim. In response to the petitioner's application, the Deputy Secretary & CPIO, Government of India, Ministry of Home Affairs (Settlement Wing) sent a letter dated 18.06.2015 stating that the information as sought for could not be provided as the said file could not be traced.

5. The petitioner sent yet another application dated 13.07.2015 and received a response on 17.07.2015 similar to the letter dated 18.06.2015.

Thereafter, the petitioner caused a legal notice dated 24.08.2016 to be served on the respondent and the same was followed by filing the present petition.

6. It is apparent from the above that the petitioner's claim is hopelessly barred by limitation. There is no credible explanation for the delay in initiating an appropriate action

7. The respondent has also filed an affidavit indicating that the displaced persons were entitled to compensation under the relevant rules on the basis of value assessed. However, the claimants were not entitled to the entire assessed value but only a portion of the same based on a scale. It is stated that the petitioner's mother's claim would have been assessed at ₹15,300 and not ₹17,550/- as claimed and against the said claim, a compensation of ₹5,524/- (which would be roughly around between 35% to 37% of the assessed value) would have been payable. The respondent claims that the petitioner's claim for ₹12,026/- is, therefore, ill-founded.

8. There is no material on record for this Court to adjudicate the aforesaid controversy. Thus, no relief can be granted to the petitioner. Further, as noticed above, any action in respect of the petitioner's claim is barred by laches and limitation. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JULY 05, 2018/pkv