

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.52 OF 2006

International Sindhi Panchayats Federation and others	..Petitioners
Versus	
The State of Maharashtra and others	..Respondents

**WITH
CIVIL APPLICATION NO.51 OF 2006
IN
PUBLIC INTEREST LITIGATION NO.52 OF 2006**

Mr. Raju Kakumal Rizwani	..Applicant
Versus	
International Sindhi Panchayats Federation and others	..Petitioners
AND	
The State of Maharashtra and others	..Respondents

**WITH
CIVIL APPLICATION NO.28 2009
IN
PUBLIC INTEREST LITIGATION NO.52 OF 2006**

International Sindhi Panchayats Federation and others	..Petitioners
Versus	
The State of Maharashtra and others	..Respondents
AND	
Mr. Ravi Chamanlal Saigal	..Applicant

Mr. N. R. Bubna, Advocate for the Applicant in CAI No.51 of 2006.
Ms. Meenal Chandnani, Advocate for the Petitioners.
Mr. K. S. Thorat, AGP for Respondent No.1.

**CORAM : PRADEEP NANDRAJOG, C.J. &
NITIN JAMDAR, J.**

DATE : 9th AUGUST, 2019

P.C.

1] Though Civil Application No.28 of 2009 seeking impleadment is listed for hearing today, after hearing learned counsel for the Petitioners and the Applicant, we propose to dispose of the Petition itself.

2] The Displaced Persons (Compensation and Rehabilitation) Act, 1954 (for short 'the Act of 1954') was passed to decide claims of those who had migrated from the territories now forming part of Pakistan and Bangladesh to territories now comprising India and had left behind properties in territories now forming part of Pakistan and Bangladesh. Authorities were constituted under the said Act to adjudicate the claims. Appellate and Revisional authorities were constituted.

3] The Petition was filed espousing a cause of those whose Claims or Appeals or Revisions were pending under the Act of 1954 when the Displaced Persons Claims and Other Laws Repeal Act, 2005 (for short 'the Repeal Act') was promulgated repealing the Act of 1954; and the authorities under the 1954 Act took a stand that since the Act was repealed nothing remained to be decided under the Act of

1954.

4] It is settled law that in view of Section 6 of the General Clauses Act, repeal of an Act saves rights which have accrued under the Repealed Act and therefore, we declare that notwithstanding the repeal of the Act of 1954, proceedings, be there original proceedings, be there appellate proceedings or be there revisional proceedings continue because they survive and said proceedings would have to be decided as per the repealed Act.

5] Needless to state right of appeal being a statutory right, pertaining to original applications which have to be decided under the repealed Act, once they are decided, the appellate as well as revisional remedy under the repealed Act would be maintainable.

6] Declaring as above, the Public Interest Litigation and the Civil Application seeking impleadment are disposed of directing the authorities under the Act of 1954 to process pending proceedings in terms of the Act of 1954.

NITIN JAMDAR, J

CHIEF JUSTICE