

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

L.P.A. No. 2463 of 2016

Date of Decision : 26.02.2019

Ghanshyam Dass Mallick @ Ganesh and othersAppellants

VERSUS

State of Haryana & ors. Respondents

CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Sandeep Jasuja and
Mr. Harman Jivtesh Singh, Advocates
for the appellants.

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MANJARI NEHRU KAUL, J.

1. This intra-court appeal under Clause X of the Letters Patent Act is against the judgment dated 08.09.2016 passed by the learned Single Judge in C.W.P. No. 18666 of 2016 vide which the claim of the petitioners (appellants herein) was rejected.

2. The case of the appellants was that they had applied for allotment of land under Displaced Persons (Compensation and Rehabilitation) Act 1954 (hereinafter called the 'Repealed Act'). An application in that regard was made to the Land Claims Office, Jalandhar, by the elder brother of appellant No.1 way back on 28.09.1951 *inter alia* claiming allotment of immovable property/land in India in lieu of the land left behind by them in Pakistan at the time of partition of the country.

3. Prior to approaching this Court by way of filing the writ petition, the appellants had filed a petition on 31.05.2011 before the

Additional Secretary Revenue and Disaster Management Department, Haryana (Rehabilitation Branch) but the same was dismissed vide a detailed order dated 28.05.2014 (Annexure P13). A specific finding was recorded therein by the Additional Secretary that the petitioners-appellants had failed to show that they had any unsatisfied certified claim filed under the Displaced Persons Claim Act, 1950 in which some right had accrued or had been acquired and any appeal or revision qua the same was pending for disposal before any competent authority. The Additional Secretary held that the case of the petitioners-appellants did not fall under the instructions/clarification issued by the Government of India vide letter dated 22.09.2008 and accordingly dismissed the petition.

4. The appellants thereafter challenged the order of the Additional Secretary in the writ petition and contended that the application for allotment of land filed on 28.09.1951, was considered for allotment but since the land so recorded in the Jamabandi was old banjar land, therefore, no allotment was made. The learned Single Judge dismissed the said writ petition as being wholly misconceived and totally bereft of any merit in so much as trying to revive a dead claim which was not permissible under law.

5. We have heard the learned counsel for the appellants.

6. There is no explanation forthcoming qua the delay of 56 years in approaching the authorities concerned by the appellants. Hence, the learned Single Judge was right in concluding that the petitioners-appellants were trying to revive a dead claim. Further in pursuance to the application for allotment of land filed on 28.09.1951, the applicant had been duly informed about the reasons why the land could not be allotted to him by the Land Claims Office, Jalandhar, vide letter dated 05.05.1952 (Annexure P7).

It would also be relevant to notice that after receipt of the letter dated 05.05.1952, Chander Bhan son of Jiwan Dass never ever put up his claim for allotment of land in lieu of the land left behind by him in Pakistan and it was only in the year 2008 that the appellants woke up from their slumber by approaching the respondent authorities for the first time vide letter dated 29.04.2008 seeking supply of old record dated 14.07.1948(Annexure P10).

7. In view of the above, we do not find any ground to interfere in the order of the learned Single Judge dated 08.09.2016. Accordingly, the Letters Patent Appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

26.02.2019
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Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No