

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

Sr. No.101

**Civil Writ Petition No.5378 of 2020
Date of Decision : November 29, 2022**

Tassvur Hussain and others

...Petitioners

Versus

The Additional Chief Secretary-cum-Financial Commissioner, Revenue & Disaster
Management Department, Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dinesh Ghai, Advocate and
Mr. Nikhil Ghai, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

Learned counsel for the petitioners fairly submits that there is no law that a review petition can be entertained in the absence of a provision authorizing the authority to review its order.

However, it is submitted that a large chunk of land owned by the petitioners was wrongly declared as evacuee property in the year 1955. An application for restoration of the property was moved in the year 1957 and partial order of restoration dated 23.08.1961 was passed. Thereafter, an application for restoration of the remaining land was made in the year 2015 which was rejected vide order dated 17.12.2015. This order was challenged by way of a writ petition which was withdrawn vide order dated 14.09.2016 with liberty to the petitioner to approach the Financial Commissioner. The Financial Commissioner has refused to review his earlier order on the ground that he does not have any power of review. This observation is erroneous as is evident from a Division Bench judgment dated 13.03.2013 passed in LPA No.1699 of 2012.

A perusal of the aforementioned judgment, which is on record as Annexure P-27 shows that the observation therein is that even after repeal of the

Administration of the Evacuee Property Act, 1950 (hereinafter referred to as the 1950 Act) and the Displaced persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as the 1954 Act) , the authority concerned could still order restoration of land to Muslim restoree even though the Haryana Evacuee Properties (Management and Disposal) Act, 2008 (hereinafter referred to as the 2008 Act) and the Haryana Evacuee Properties (Management and Disposal) Act, 2010 (hereinafter referred to as the 2010 Act) did not contain any provision for ordering such restoration because the Muslim restoree had been seeking restoration since the year 1959. Thus, it has been held that since proceedings were pending under the 1950 and 1954 Acts on the date of their repeal, the provisions contained therein would still apply. That is not the position in the present case. As per the contention of the learned counsel for the petitioner himself, application for restoration of the remaining land was filed in the year 2015 i.e. after a period of 54 years. This in itself implies that the petitioners had lost interest in the matter. The application was thus barred by limitation/delay and laches. It cannot thus be held that the petitioners were diligently following their remedies under the law. This in turn would imply that after the repeal of the 1950 and 1954 Acts, an application of the nature filed by the petitioners was not maintainable after enactment of the 2008/ 2010 Acts. The observation relied upon in any case does not support the submission that the Financial Commissioner could review its order despite no such power having been given by the statute.

The writ petition has no merit and is dismissed.

November 29, 2022*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No