

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

CWP-1863-1992

Date of decision: 06.09.2023

Gainda Singh (deceased) through Lrs

... Petitioner

Versus

Financial Commissioner and others

... Respondents

CWP-6503-2004

Balwant Singh

... Petitioner

Versus

Financial Commissioner and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Bhatia, Advocate, for the petitioner
in CWP-1863-1992.

Mr. G.S. Nagra, Advocate, for the petitioner in
CWP-6503-2004 and
for respondent No.3 in CWP-1863-1992.

Mr. Arun William, Assistant Advocate General, Punjab.

RAJESH BHARDWAJ, J.

This order will dispose of aforementioned two writ petitions, as the common dispute is involved in both the writ petitions.

Prayer in CWP-1863-1992 is for issuance of a writ of certiorari quashing the impugned orders dated 01.10.1984, 28.06.1985, 25.07.1986 and 18.04.1991 (Annexures P-1 to P-4) and for the issuance of writ of mandamus directing respondent No.2 to allot house No.16, village Fazalwal to the petitioner.

Prayer in CWP-6503-2004 is for issuance of a writ in the nature of certiorari quashing the impugned order dated 09.07.2002 (Annexure P-9), order dated 18.04.1991 (Annexure P-5), order dated 14.08.1986 (Annexure P-3) and order dated 28.06.1985 (Annexure P-2) passed by respondents No.1 to 4.

As per facts of CWP-6503-2004, Balwant Singh i.e. petitioner is a displaced person from West Pakistan and in lieu of land abandoned in Pakistan, he was allotted land in different villages in Tehsil Nakodar (now Shahkot), District Jalandhar and alongwith the agricultural land the petitioner was also entitled for a house and thus, house No.16 situated in village Fazalwal, Tehsil Nakodar was allotted by Naib Tehsildar Sales-cum-Managing Officer, Jalandhar vide order dated 01.10.1984. The appeal filed by the private respondent was accepted by the Settlement Commissioner, Nakodar vide order dated 28.06.1985 and the revision petition against the same filed by the petitioner was dismissed by the Chief Settlement Commissioner, Jalandhar on 14.08.1986.

As per facts of CWP-1863-1992, Gaimda Singh son of Bhag Singh is also a displaced person having verified claim in respect of agricultural land and allotted land measuring more than 25 standard acres in village Sandhawal and village Fazalwal under the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (for short, 'the Act'). Respondent No.3 Balwant Singh (petitioner in CWP-6503-2004) being a displaced person was allotted different house numbers including House No.16. The Chief Settlement Commissioner vide order dated 05.07.1961 cancelled the allotment of house No.14/1 and 16, whereas, allotment of house No.21 and Taur 35 was kept intact in village Fazalwal. On an application filed by respondent No.3, Tehsildar

(Sales)-cum-Managing Officer, Jalandhar asked respondent No.3 to pay difference of the amount and house No.16 was ordered to be allotted in his favour vide order dated 01.10.1984.

Aggrieved by order dated 01.10.1984, Bhag Singh son of Jhanda Singh (i.e. father of Gaida Singh- petitioner in CWP-1863-1992) and one Kapur Singh son of Gujjar Singh filed an appeal under Section 22 of the Act, which was accepted by the SDO-cum-Settlement Commissioner, Nakodar vide order dated 28.06.1985. Aggrieved by the same, Balwant Singh (i.e. the petitioner in CWP-6503-2004) filed a revision petition under Section 24 of the Act before the Deputy Commissioner-cum-Chief Settlement Commissioner, Jalandhar, however, after hearing both the sides, the same was dismissed by vide order dated 14.08.1986. Thereafter, Balwant Singh (i.e. the petitioner in CWP-6503-2004) and Bhag Singh son of Jhanda Singh (i.e. father of Gaida Singh- petitioner in CWP-1863-1992) & Kapur Singh son of Gujjar Singh filed their two independent revision petitions before the Financial Commissioner (Appeal), which were dismissed by the learned Financial Commissioner vide a common order dated 18.04.1991. Aggrieved by the same, the both Balwant Singh and Gaida Singh (son of Bhag Singh) filed these two present writ petitions.

Learned counsel for the petitioners after arguing for some time have fairly submitted before this Court that both the petitioners have remedy of filing petition under Section 4 of the Punjab Package Deal Properties (Disposal) Act, 1976. They have fairly prayed for withdrawal of these petitions with liberty to the petitioners to avail their remedy as available to them under the Punjab Package Deal Properties (Disposal) Act, 1976.

Allowed to do so.

In view of the submissions made above, the present petitions are allowed to be withdrawn with liberty to the petitioners to avail their remedy under the Punjab Package Deal Properties (Disposal) Act, 1976. The petition, if any, filed by the petitioners before the competent authority under the Punjab Package Deal Properties (Disposal) Act, 1976 will be dealt with in accordance with law. The petitions, if so filed, the competent authority would deal with the issue of delay sympathetically keeping in view the fact that the petitions had already been filed by the petitioners before this Court, which remained pending adjudication before this Court since 1992.

(RAJESH BHARDWAJ)
JUDGE

06.09.2023
sharmila

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