

1947 and are entitled for One Time Settlement under the Prime Minister Development Package of 2015 and to pay the petitioners the Central Assistance of Rs. 5,49,662/- as a direct benefit transfer to the petitioners.”

02. Briefly stating the facts of the case are that the petitioners claim to be owner in possession of land measuring 02 kanal 13 marla and 01 kanal 02 marla situated at Village Deva (Devo) Tehsil Bhimber District Mirpur (Now POJK) and were dependent on the profession of agriculture and connected with agriculture.

03. The specific case of the petitioners is that the grandfather of the petitioners, namely, Kalia Ram became a refugee of 1947 and after becoming refugee, he shifted to Nagrota Camp. A ration card in this regard was also issued by the Provincial Rehabilitation Officer, where the name of the family of the grandfather of the petitioners has been mentioned at serial No. 928 as Shanni (grandmother of the petitioners), Puran and Mula Ram (paternal uncles of the petitioners) and Rasalo (father of the petitioners).

04. Learned counsel for the petitioners submitted that the age of the father of the petitioners was six years old when the ration card was issued by the Provincial Rehabilitation Officer and that the grandfather of the petitioners was not allotted land as a refugee being a head of the family. Though the family of their grandfather was agriculturist but he was in the army, therefore, the land was not allotted to their grandfather. The uncles of the petitioners were allotted land as a local in Village Chhan Lal Din and Buhala Chak District, Tehsil Maheen District Kathua and the petitioners' grandfather also applied to respondent no. 2 for allotment of land being refugee, but in the year, 1971, the petitioners grandfather expired and

thereafter, petitioners' father pursued the matter but nothing has been done till date and in the year 2021, father of the petitioners also died. Therefore, petitioners filed this petition before this Court for allotment of land as they are entitled being refugees.

05. Learned counsel also submitted that the petitioners' father constituted a separate family as a displaced person in 1947 from POJK and, therefore, is entitled for Central Assistance per family through direct benefit transfer to the eligible beneficiaries by the Central Government and an amount of Rs. 5,49,692/- per family as per the scheme. Therefore, the petitioners applied to respondent no. 2 for grant of benefits under the scheme, but till date respondent no. 2 has not processed the entitlement claim of the petitioners on the ground that they do not have "A" form issued by respondent no. 2 with them and that there is no condition in the Prime Minister's Central Assistance for One Time Settlement that the displaced person must have "A" form.

06. Learned counsel further submits that the eligibility of the beneficiary the claimant/head of the DPs family or his or her successors or heirs residing within the State should be a part of the overall category of 36,384 families belonging to any of the following categories:-

- (a) Pakistan Occupied Jammu and Kashmir 1947's DPs.
- (b) Chhamb 1965 and 1971 (Camp/Non Camp DPs).

07. The further case of the petitioners is that they fall in the category A and they also submitted their application for One Time Settlement benefit to respondent no. 2 declining to accept the form of the petitioners. The petitioners had no option, but to file representation to respondent no. 2

(Annexure-B) that no option till date has been taken in representation filed by the petitioners. In this regard, the petitioners have left no option, but to file the present writ petition before this Court.

08. Heard learned counsel for the petitioners at length and perused the record.

09. Issue notice.

10. Ms. Aparna Gupta, Advocate appearing vice Mrs. Monika Kohli, learned Sr. AAG waives notice on behalf of respondent no.1 and Mr. Vishal Bharti, learned Dy. AG. on behalf of respondent nos. 2 and 3 and submits that respondents have no objection, if the instant writ petition is directed to be treated as representation and same is accorded consideration strictly in accordance with rules and as per law.

11. With the consent of learned counsel for the parties and keeping in view the facts and circumstances of the case, the instant writ petition is disposed of, at the threshold, with a direction to respondent no. 2- Provincial Rehabilitation Officer, Jammu to consider the claim of the petitioners by treating this writ petition as representation and take a decision thereon strictly under rules and as per law and pass a consideration order within a period of six weeks from the date a certified copy of this order alongwith complete set of writ petition are made available to the said respondent. It is also made clear that in case, the petitioners intend to file any other material before respondent no. 2, the same can be filed within the aforesaid period alongwith instant petition. The order, which is likely to be passed, be forwarded to the petitioners through registered post.

12. Needless to say that in case, the order of consideration goes against the petitioners, they would be at liberty to challenge the same by way of appropriate proceedings, if so advised.

13. Disposed of, as above alongwith connected application.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
24.04.2024
Mihul

