

(1970) 10 SC CK 0027

In the Supreme Court Of India

Case No : Civil Appeal No. 523 Of 1967

Asthan Bhagat Dwara

APPELLANT

Vs

The Chief Settlement Commissioner and Others

RESPONDENT

Date of Decision : 16-10-1970

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1971) 3 SCC 787 : (1971) 3 UJ 55

Hon'ble Judges : M. Hidayatullah, C.J.; A. N. Ray, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M. Hidayatullah, C.J.—This is an appeal against the judgment of a Division Bench of the High Court of Punjab dismissing an appeal against the judgment of a learned Single Judge in a petition under Article 226 of the Constitution. The Division Bench relied upon an earlier decision of the Court reported in *Samadh Parshotam Das v. Union of India and Ors.* I.L.R 1962 1086. The facts of the case are as follows :

2. The appellant is Asthan Bhagat Dwara and is conducting the proceedings through one Khem Singh. The case had a chequered career in the Rehabilitation Department. The claim was for allotment of certain lands which the Asthan Bhagat Dwara had lost as a result of partition of India. The facts need not be referred to in detail, because numerous orders have been passed by the various authorities. The final order was in revision before the Chief Settlement Commissioner, Jullunder, Punjab by which he dismissed the revision application which arose from the cancellation of allotment of lands in favour of the Asthan Bhagat Dwara. It appears that at first the Asthan Bhagat Dwara had succeeded in getting allotment of lands in lieu of those lost across the border. But latter these orders were cancelled and finally the Chief Settlement Commissioner, Jullundur, Punjab upheld the order of cancellation. In the High Court matter was considered by the learned Single Judge. In a brief judgment, he accepted the

finding that the samadhis were not capable of shifting from the place where they were and, therefore, it could not be held that samadhi was a displaced person for purpose of the application of the law for allotment of lands. The learned Single Judge also referred to the Division Bench case to which we have referred earlier.

3. This matter was specifically before us in an appeal from the judgment on which the High Court relied. The judgment has not yet been reported. It is Samadh Parshotam Das v. The Union of India and Ors. civil Appeal No. 358 of 1965 decided on Feb 26, 1968. The decision of this Court clearly shows that in such circumstances on allotment of land can be made and therefore the orders of the High Court, both by the Division Bench as well as by the learned Single Judge, cannot be assailed. The matter is covered by the authorities to which we have referred. The result therefore is that the appeal fails, but in the circumstances of this case, we make no order about costs.