

(2014) 12 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : CWP No. 2633 of 1995

Chander Pal Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 08-12-2014

Acts Referred:

Displaced Persons (Compensation and Rehabilitation) Act, 1954 — Section 22

Citation : (2014) 12 SHI CK 0122

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : Ajay Kumar, Sr. Advocate and Dheeraj K. Vashishta, Advocate for the Appellant; Angrej Kapoor, Advocate Vice Counsel and Vivek Singh Attri, Deputy Advocate General, Advocate for the Respondent

Judgement

Sureshwar Thakur, J.—The writ petitioners canvass through the instant petition that their predecessor-in-interest, one Sardar Jagat Singh had submitted a claim to the competent authority, under the Displaced Persons (Compensation & Rehabilitation) Act, 1954, claiming property in India under the Act aforesaid, in lieu of property left behind in East Peshawar, wherefrom he was in the aftermath of partition constrained to flee. A perusal of Annexure P-1 discloses that the claim of the predecessor-in-interest of the petitioners herein namely one S. Jagat Singh had come to be registered in the office of Assistant Registrar, Refugee Claims, Shimla. Further more, there is a disclosure in Annexure P-5 which is an order rendered by the Settlement Commissioner on 6.9.1978 of the Predecessor-in-interest of the petitioners herein namely Jagat Singh having preferred a claim under Section 22 of Displaced Persons (Compensation & Rehabilitation) Act, 1954 before the Custodian of Evacue Property Himachal Pradesh, Shimla. Its reading also surges forth the factum probandum of the Settlement Commissioner H.P while setting aside and quashing the orders of the Naib Tehsildar (Sales) had rendered a direction to the latter to get the claim of the predecessor-in-interest of the petitioners herein adjusted or rejected. Moreso, in the face of the Predecessor-in-interest of the petitioners herein, appellants before the

Settlement Commissioner having been noticed in the orders rendered by the latter to have instituted numerous applications for redressal/settlement of their claims by the competent officer under the relevant provisions of Displaced Persons (Compensation & Rehabilitation) Act, 1954 gives leverage to the inference that there was preferment of a claim before the competent Officer under the Act aforesaid by the predecessor-in-interest of the petitioners herein. Moreover the communication by Annexure P-6 is also qua a claim of the predecessor-in-interest of the petitioners herein having come to be registered as claim No. 1388/S of 9.4.48 for a sum of Rs. 34,000/- with the Government of India. Amplifying succor to the inference aforesaid of the predecessor-in-interest of the petitioners herein having preferred a claim before the competent officer constituted under the Displaced Persons (Compensation & Rehabilitation) Act, 1954 is lent by the factum as divulged in Annexure P-8 of the land valued at Rs. 8000/- as acquired by the Predecessor-in-interest of the petitioners herein in a public auction for a sum of Rs. 8000/- having been permitted to be alienated in the latter's favour. Besides there is an enunciation therein that as and when the claim of the predecessor-in-interest of the petitioners herein comprised in the sum of Rs. 34,000/- gets matured, she would get the same from the Government of India. The apt emanation from the Annexures aforesaid is of the Predecessor-in-interest of the petitioners herein having been acquiesced by the respondents to have moved/instituted a claim before the Competent Officer constituted under the Displaced Persons (Compensation & Rehabilitation) Act, 1954 for settlement of her/his claim in the Sum of Rs. 34,000/- as portrayed by Annexure P-1. In face thereof the contention of learned Deputy Advocate General that the claim of the Predecessor-in-interest of the petitioners herein in whose steps now the petitioners have stepped was neither received, nor registered in the apposite register nor came to be processed, cannot be accepted. The fact of non-registration of the claim of the Predecessor-in-interest of the petitioners in the apposite register as placed on record appears to be a mere dereliction to carry out a ministerial act obviously then omission of its being recorded in the apposite Register does not either forestall or thwart the right of the petitioners, the successors-in-interest of one S. Jagat Singh and Man Kaur, who had preferred their claim under the Displaced Persons (Compensation & Rehabilitation) Act, 1954 to get it processed/settled. Further more since it is also admitted by the learned Deputy Advocate General that land comprised in Khasra No. 453 is an acquisition of rights therein not in consonance with the settlement of the claim of the Predecessor-in-interest of the petitioners or the petitioners by the competent officer under the Displaced Persons (Compensation & Rehabilitation) Act, 1954. Consequently, the acquisition of rights therein would also not in any way baulk the right of the petitioners herein to get their claim as instituted by their predecessor-in-interest processed and settled at the earliest by the respondents. Therefore it is deemed it fit, just and expedient that the claim admittedly instituted by the predecessor-in-interest of the petitioners herein, be processed and settled by the respondents within a period of two months hereafter. In view of above, the present petition stands disposed of, as

also the pending applications, if any.