

(1996) 10 SHI CK 0003
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2620 of 1995

Inder Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 07-10-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 1 ShimLC 162

Hon'ble Judges : M. Srinivasan, C.J.; Kamlesh Sharma, J

Bench : Division Bench

Advocate : Chirag Bhanu Singh, for the Appellant; Inder Singh, General, for the Respondent

Final Decision : Dismissed

Judgement

M. Srinivasan, C.J.—When this matter was posted on 14-3-1996, a Division Bench of this Court observed that the Commissioner had rested his judgment on a judgment of this Court in C.W.P. No. 756 of 1985 dated 28-12-1994. The Bench was of the opinion that the said judgment needs reconsideration and, therefore, placed the matter before a larger Bench. When we looked into the file, we found that no reason has been given as to why the Bench expressed the opinion that the earlier judgment needs reconsideration. After going through the said judgment, we are of the opinion that it does not require reconsideration and this matter can be disposed of by a Division Bench. Consequently, we have heard this matter today.

2. It is also very unfortunate that a writ petition, which has not been admitted and in which only notice for rule nisi was issued has been referred to a Full Bench without giving any reason for differing from the earlier judgment of a Division Bench.

3. The writ Petitioner has come to this Court with a statement in the Application that his land, which was situated in village Dan measuring 1-3-12 Bighas was

acquired for the construction of B.S.L. Project at Sundernagar. He also claimed to be an oustee having become entitled to the allotment of land under the Scheme "Rehabilitation/re-settlement of Beas Sutlej Link and Uhl Project Oustees of Mandi District". Now it is the case of the Petitioner after the orders of the lower authorities are seen that his father was owner of the land at the relevant time and the land was acquired in the year 1964. It is also argued by learned Counsel that the father of the Petitioner had applied for certificate to declare him that he was an oustee, but before that certificate was issued, he died and after the death of his father, the said certificate was issued to the Petitioner herein. But the Petitioner does not even mention those facts in the Application and the Application does not disclose the date of the death of his father nor does the application disclose when his father had applied for the said certificate, when he was alive. The Application does not show that the Petitioner is the only legal heir of his father and as such is entitled to the certificate that he is an oustee. In such circumstances, we are of the opinion that the Petitioner has not come to this Court with clean hands. Article 226 of the Constitution of India will not help any such person.

This writ petition is dismissed.