
(2000) 07 P&H CK 0126

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14050 of 1998

Parduman Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 13-07-2000

Acts Referred:

Citation : (2000) 4 RCR(Civil) 269

Hon'ble Judges : K.S. Garewal, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : S.N. Saini, for the Appellant; D.P. Singh, D.A.G., Haryana, for the Respondent

Judgement

Jawahar Lal Gupta, J.—We have three writ petitions. Counsel for the parties are agreed that the facts and the issues are identical. They have referred to the factual position in Civil Writ Petition No. 14050 of 1998.

2. The Petitioner is a displaced person. He has a verified claim for the allotment of land. The Respondents are not making the allotment on account of the Instruments issued vide letter dated June 21, 1996 by the Government in the Rehabilitation Department. The Petitioner challenges the validity of these Instructions, a copy of which has been produced as Annexure P-4. He prays that the Instructions issued by the State Government be quashed and that the Respondents be directed to allot the land to him in accordance with his entitlement.

3. In the written statement filed on behalf of the Respondents it has been inter alia mentioned that the State Government has noticed that "in the recent past in the several cases gross irregularities and illegalities were committed in disposal of the evacuee lands by way of allotment/auction etc. The whole matter became subject matter of criticism and complaints. The Government viewing the matter seriously decided to review the whole process..." On this account, the impugned instructions were issued and the allotment has not been made to the Petitioner

so far.

4. Counsel for the parties have been heard.

5. Indisputably the Petitioner is entitled to the allotment of land in accordance with the provisions of the Displaced persons (Compensation and Rehabilitation) Act, 1954. Still further, it is not disputed that delay in allotment is affecting his rights adversely. The State does not provide any compensation for the delay in giving the property to the claimant. Still further, Mr. D.P. Singh, appearing for the Respondents, is not in a position to even remotely indicate as to what has been done since June 21, 1996 when direction for staying further allotment etc. were issued. Why has the matter not been finalised despite the lapse of four years? Mr. D.P. Singh states that disciplinary/criminal proceedings have been launched. It may be so. However, that gives little consolation to the Petitioner. His claim remains unsatisfied.

6. The displaced persons had come to this country in or about the year 1947. Best part of their life has been spent in waiting for allotment. Posthumous awards will do them little good. These are cases where we feel compelled to direct that land in accordance with the Petitioners' claim shall be allotted to them within three months and possession shall be duly delivered.

7. The writ petitions are, accordingly, disposed of. The Petitioners shall be entitled to their costs which are assessed at Rs. 5000/- in each case.

Sd/- K.S. Garewal, J.