
(2011) 08 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5287 of 2011

Satnam Singh

APPELLANT

Vs

The State of Punjab and others

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Punjab Package Deal Properties (Disposal) (Amendment) Act, 2009 — Section 67A

Citation : (2011) 08 P&H CK 0040

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The petitioner has filed this writ petition to seek allotment of land in lieu of land, which is alleged to have been left in Pakistan. The case set up by the petitioner is that while coming to India, Nihal Singh had abandoned land in village Sheikh Jaleel, Tehsil Shahpur and village Joran Kalan, Tehsil Khushab, District Sargoda. As per the petitioner, in lieu of the land left in village Sheikh Jaleel, his father was allotted land in village Maharban, Tehsil and District Ludhiana, whereas in lieu of the land which was left in village Joran Kalan, no land was allotted. The claim was submitted by the petitioner on 23.1.1979. The said application was rejected. The petitioner filed an appeal against this order before the Settlement Commissioner pleading that Nihal Singh, his father, had purchased land in Pakistan from one Gulsher and proof to this effect was also brought on Lower Court record. The Settlement Commissioner set-aside the order passed by the Managing Officer and directed that further probe be made into the matter keeping in view one jamabandi for the year 1935-36 produced by the petitioner. Thereafter, the petitioner made a request to the Foreign Ministry to get copy of the mutation to show his ownership of the land. His request was forwarded to the Ministry in Pakistan. The matter remained pending till Tehsildar Mahal-Cum-Sales, Ludhiana allotted land in village Machhian, Ludhiana in favour of the petitioner on 8.8.1997. Though the petitioner was allotted land in lieu of

the land abandoned by his father in village Joran Kalan, but possession of the same was not delivered due to non-availability of vacant land. The petitioner thereafter submitted a claim before the Commissioner under the Punjab Package Deal Properties (Disposal) Amendment Act, 2009 (for short "the Act") on 14.6.2010. The grievance of the petitioner is that without considering the facts on record, the claim of the petitioner has been rejected on the ground that it is time barred. The petitioner has thereafter filed an appeal before the Commissioner followed by revision before the Financial Commissioner. The order rejecting the claim of the petitioner being time barred has been upheld. The petitioner accordingly has filed the present writ petition to impugn the orders standing against him.

2. I have perused the order passed by the Financial Commissioner. The documents relied upon by the petitioner apparently are not reliable. The main base of the petitioner to stake his claim is the Parchi, which was allegedly issued to him by the Settlement Commissioner on 29.8.1979. As is observed by the Financial Commissioner, the Parchi was a photostat copy of the same and original was not available. Even the copy of order dated 28.9.1979, which was available on record, was neither attested nor signed, yet on this basis the claim of the petitioner was allowed by the Settlement Commissioner. The Financial Commissioner has also observed that the order was passed on the basis of presumption. In this regard, he has noticed the observations made by the Settlement Officer where he had recorded that it appears that a 'Muslim Gur Sher' sold the land in favour of Nihal Singh. Obviously, there was no viable proof in this regard indicating sale of the land in favour of father of the petitioner. The petitioner was found to have withheld the order passed by the Managing Officer. That was the order through which the claim of the petitioner was rejected. In addition, the petitioner had to face the hurdle of claim being time barred in view of the provisions of Section 67-A of the Punjab Package Deal Properties (Disposal) Amendment Rules, 1955. The petitioner, even if was allotted land and had an order in his favour, which was passed in the year 1979, has made no move till the year 2010 to seek the allotment. Even the Displaced Persons (Compensation and Rehabilitation) Act has been repealed and now Punjab Package Deal Properties (Disposal) Amendment Act has been amended in the year 2009. The reasoning given by the Financial Commissioner does not suffer from any infirmity, which may call for interference in exercise of writ jurisdiction.

3. Dismissed.