

Virsa Singh

Vs

State of Punjab and Others

Civil Appeal No. 2075 of 1981 With Spl. Leave Petn. (C) No.5444 of 1979

(M.M. Punchhi, G.N. Ray JJ)

08.01.1992.

JUDGMENT

1. This appeal by special leave is virtually against the decision of a learned single Judge of the Punjab and Haryana High Court which was affirmed by the Letters Patent Bench by a limine order of dismissal.
2. The few facts involved are these:

The appellant is the son of one Ladha Singh. Ladha Singh was a displaced person from West Punjab, now Pakistan. He was allotted agricultural lands in village Lehra gaga, Teh. Sunam, Distt. Sangrur (Punjab State) on quasi-permanent basis. On the scrutiny of his case later when the revenue records came from Pakistan, there was detected a discrepancy. It appears that Ladha Singh had claimed allotment of land far in excess than was due to him. There were two heads of account of land abandoned in Pakistan. One was in the name of Ladha Singh, son of Ganpat Singh and the other in the name of Ladha Singh son of Sant Singh. The appellant claimed that Ladha Singh son of Ganpat Singh and Ladha Singh son of Sant Singh was one and the same person. The Managing Officer differed from that view. Permitting the appellant to retain the allotment due to Ladha Singh son of Ganpat Singh, it was proposed to cancel the allotment representing the land belonging to Ladha Singh son of Sant Singh. Since proprietary rights had before-hand been obtained by the appellant of the entire allotted area and the Managing Officer had no jurisdiction to cancel allotment until proprietary rights were set aside, reference was made to the Chief Settlement Commissioner to exercise powers under S. 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 to cancel the proprietary rights to the extent of the excess allotment. Those proceedings before the Chief Settlement Commissioner were taken in the presence of the counsel of the appellant who conceded that the proprietary rights to that extent of the allotted area be cancelled. At that time prayer was made before the Chief Settlement Commissioner for permission to purchase the excess area, which prayer was valid under the departmental instructions as well as under the provisions of the statute aforementioned and the rules framed thereunder. The matter was left to be taken up at the level of the Managing Officer. Thus armed with the order of the Chief Settlement Commissioner. The Managing Officer cancelled the excess allotment but denied the appellant the right to purchase the area on account of his claim being made late. The High Court

refused relief to the appellant and this is how this appeal is before this Court.

3. In view of the afore mentioned facts, we fail to see how the appellant could be deprived the concession of purchasing the excess area if permitted under the Statute, the rules made thereunder and the departmental instructions. It is noticeable that in the meantime the entire properties in the compensation pool came to be vested in the Punjab Government and we are told that a new statute deals with those properties popularly known as "package deal properties". There under as well such right to purchase is protected. Having regard to these state of affairs as also to the fact that the appellant continues to be in possession of the cancelled area, it would be fair, just and proper in the circumstances that he is given an opportunity to purchase the cancelled area on terms as they exist today. In these circumstances, we direct the appellant to formally approach the appropriate authorities within two months from today and make a suitable application and we further direct those authorities that in case such application is made the concession to purchase the area should not be withheld in any circumstance unless there is any embargo on such concessional purchase beyond a certain limit. With these directions, we dispose of this appeal. There shall be no order as to costs.

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4. We have heard learned counsel. The view of the High Court in dismissing the Writ Petition of the petitioner is unexceptionable. Controversies have to be put to an end to at some stage.

5. The special leave petition is thus dismissed. No costs.

Order accordingly.

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