

2025:PHHC:035674



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(1)

**CWP-14705-2018 (O&M)**

MANPREET SINGH AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

2025:PHHC:035669



(2)

**CWP-8342-1991 (O&M)**  
**Date of decision :18.03.2025**

MOHINDER KAUR AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Kanwal Goyal, Advocate  
for the petitioners (in both cases).

Mr. Navneet Singh, Sr. D.A.G., Punjab  
and Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

**HARSH BUNGER, J.**

This order shall dispose of **CWP-14705-2018** titled as ***Manpreet Singh and others vs State of Punjab and others*** as well as **CWP-8342-1991** titled as ***Mohinder Kaur and others vs State of Punjab and others***, as both the cases involve common questions of law and facts.

2. Prayer in **CWP-8342-1991** titled as ***Mohinder Kaur and others vs State of Punjab and others***, is for issuance of a writ in the nature of *mandamus* for directing the Assistant Registrar-cum-Managing Officer, Jalandhar (respondent No.4) for deciding the permanent rights of Jaswant Singh, a displaced person, under the Displaced Person (Compensation and Rehabilitation) Act, 1954 (in short 'the 1954 Act'), in the light of the judgment dated 25.08.1976 passed in ***LPA No.504 of 1974*** (Annexure P-2).

2.1 A further prayer has been made for issuance of a writ in the nature of *certiorari* for setting aside the order dated 07.05.1991 (Annexure P-6) passed by the Tehsildar (Sales-cum-Managing Officer), Malerkotla.

3. Prayer in **CWP-14705-2018** titled as ***Manpreet Singh and others vs State of Punjab and others***, is for issuance of a writ in the nature of *certiorari* for setting aside the order dated 13.02.2017 (Annexure P-1) passed by the Special Secretary (Revenue) Punjab, exercising the powers of Claims Commissioner, under the Punjab Package Deal Properties (Disposal) Amendment Act, 2009.

4. For the sake of convenience, the facts are being derived from **CWP-14705-2018** titled as ***Manpreet Singh and others vs State of Punjab and others***.

5. Briefly, one Sh. Jaswant Singh (predecessor-in-interest of the petitioners) claimed himself to be the owner of land in Village Mirzeka and Khola Mirzeka, Tehsil Minchandabad, West Pakistan and on account of the land left by Jaswant Singh in West Pakistan, he claimed allotment of land in the State of Punjab. It appears that Jaswant Singh was allotted 30.8 standard acres of land in five different villages in Tehsil Malerkotla, by considering him as a displaced person, as defined under Section 2(b) of

the 1954 Act. Jaswant Singh was allotted 30.8 standard acres in five villages as under :-

<i>Sr. No.</i>	<i>Village</i>	<i>Hadbast No.</i>	<i>Area allotted</i>
1	Mehmodabad	61	12.3 standard acres
2	Bir Nusherabad	53	6.8¼ standard acres
3	Binjoli Kalan	50	4.12¼ standard acres
4	Badshahpur	---	5.9 standard acres
5	Babanpur	65	1.6 ½ standard acres

5.1 Apparently, Jaswant Singh, claimed that the land in Village Mehmodabad, was allotted to him temporarily and on that basis, he possessed the said land. Subsequently, in the year 1960, Jaswant Singh applied for confirmment of quasi-permanent allotment upon him.

5.2 It transpires that one Jangir Singh, submitted a complaint against Jaswant Singh *inter-alia* alleging that Jaswant Singh had not abandoned any land in Pakistan; whereupon, the then Managing Officer, Jalandhar, vide order dated 15.12.1965, cancelled the temporary allotment in favour of Jaswant Singh.

5.3 An appeal filed by Jaswant Singh, against the afore-said order was also dismissed on 04.09.1967 by the then Settlement Commissioner.

5.4 Both the afore-said orders dated 15.12.1965 and 04.09.1967, were challenged by Jaswant Singh, by way of filing of a petition before the Chief Settlement Commissioner, Punjab, which came to be decided vide order dated 16.01.1970 (Annexure P-5) whereby, orders dated 15.12.1965 and 04.09.1967 were set aside and the matter was remanded to the Managing Officer, Jalandhar to decide the case afresh with the following observations :-

*“4. In view of these circumstances, the revision petition is accepted and the impugned order as well as*

*order dated 15-12-1965, cancelling the allotment of the petitioner are set aside. The case is remanded for fresh decision to the Assistant Registrar, (L)-cum-Managing Officer, Jullundur, after Wagha Comparison. The allotment already made in favour of Piara Singh in village Panjoli Kalan is cancelled. He should be given alternative allotment according to rules. The parties have been directed to appear before the Assistant Registrar (L)-cum-Managing Officer, Jullundur, on 16-2-1970.”*

5.5 A perusal of the above extracted order dated 16.01.1970 (Annexure P-5) would show that vide said order, one allotment in favour of one Sh. Piara Singh, was also cancelled.

5.6 It appears that Pritpal Singh son of Piara Singh, challenged the afore-said order dated 16.01.1970 (Annexure P-5) by filing a petition under Section 33 of the 1954 Act, before the learned Financial Commissioner, Punjab, who vide order dated 22.09.1970 remanded the case to the Chief Settlement Commissioner, Punjab to decide the revision on merits. Consequently, the Chief Settlement Commissioner, Punjab, cancelled the temporary allotment of Jaswant Singh vide order dated 29.12.1970.

5.7 Thereafter, Jaswant Singh filed a writ petition (**CWP-637-1971**) before this Court, which came to be allowed vide order dated 19.09.1974 (Annexure P-6), by observing as under :-

*“I have heard the contentions of the learned counsel for the parties at a considerable length and given a thoughtful consideration to the same. The counsel for respondent No.5 has conceded that village Mirzeka and Khole Mirzeka are two different villages. It is clear from the order of the Chief Settlement Commissioner that the records of village Mirzeka have not been received in India. Though the land had been*

*allotted to the petitioner on the basis of oral verification and several reasons have been given for cancellation of his allotment but in view of the absence of the revenue records of village Murzeka, it cannot be conclusively held that the petitioner had no land in that village. The matter can be only verified at the State level. It is unfortunate that hostility started between India and Pakistan and, therefore, the Wagah comparison could not be made in the present case. But that fact is not a ground for cancellation of the land which was allotted to him earlier. Unless there is clear proof that the petitioner was not holding any land in village Mirzeka, the Rehabilitation Authorities were not justified in cancelling his allotment. The petitioner is in possession of jamabandi of village Mirzeka in which he is shown the owner of land in that village. Though that document is not admissible into evidence as it is not authenticated by the High Commissioner for India in Pakistan, yet this fact cannot be ignored that he has some proof in his possession to support the contention. The learned counsel for the respondents sought to argue that in case the petitioner can subsequently show that he had land in village Mirzeka, he can make an application to the authorities for allotment of fresh land. He has, however, not been able to cite any law on the subject. The Rehabilitation Authorities have not appeared to contest the writ petition. It has been observed by a Division Bench of this Court in Gulab Singh v. Chief Settlement Commissioner, Punjab, Jullundur, 1964 P.L.R. 953, as follows :-*

*xxx*

*xxx*

*xxx*

*The petitioner will suffer greater loss in the present case if his allotment is cancelled and ultimately it is found that he had ownership rights in land in that village. He may not be able to get the land reallocated thereafter.*

*In the circumstances, it is not advisable for the Department to cancel the allotment of the petitioner. They can do so subsequently if after verification from the Pakistan Government or Wagah Comparison, it is found that the petitioner had no land in village Mirzeka.*

*For the reasons recorded above, I accept the writ petition and quash the order of the Chief Settlement Commissioner dated December 29, 1970. In the circumstances of this case, I however make no order as to costs.”*

5.8 It transpires that afore-said Pritpal Singh son of Piara Singh, challenged the order dated 19.09.1974 (Annexure P-6) by filing an Intra-Court Appeal (*LPA-504-1974*), which came to be dismissed by the Division Bench of this Court vide order dated 25.08.1976 (Annexure P-3), by observing as under :-

*“Mr. N.K. Sodhi, who appears for the writ-petitioner-respondent, has on the other hand submitted that strict rules contained in the Evidence Act are not applicable to the proceedings under the Act, and that in any case his client would even now try to have the document authenticated in the changed situation that has come about in the meantime. The original certified copy of the Jambandi has been shown to us by Mr. Sodhi. This was shown to the learned Single Judge also. The printed headings on the form in Urdu appears to have been taken from some spare register and pasted on the copy. This is nothing unusual. The certified copy has an appearance of being genuine though we are not inclined to pronounce on that aspect of the matter as the same may be in issue before the Rehabilitation Authorities in the proceedings which have to take place in pursuance of our judgment. It bears two revenue stamps of Bahawalpur State and also rubber stamp of Tehsil Minchanabad Village Mirzeka is admittedly in*

*Tehsil Minchanabad. The certified copy contains the certificate of the Kanungo at more than one place. It does not appear to be a document which can just be thrown away as being an obvious forgery. Its real value would be known only after the Wagha Comparison. The certified copy appears to have been prepared in 1948, and if it is a correct copy it naturally depicts the position as it existed soon after the partition of the country. We do not find much force in the Hadbast number not being mentioned in the Jamabandi as unlike the Indian prescribed form of Jamabandi, there is no column in this printed form for mentioning the number of the hadbast. In any case the hadbast number is known to the Rehabilitation Authorities and it is not disputed by either party that village Mirzeka is a part of Hadbast No.74. We purposely refrain from making any observation on the merits of the claim as it is for the departmental authorities to record findings thereon. In above-mentioned circumstances and for the reasons already recorded, we are unable to find any fault with the judgment of the learned Single Judge wherein he followed the Division Bench judgment in Gulab Singh's case (supra). That being the situation we have not been persuaded to interfere with the order of the Learned Single Judge. These appeals must, therefore, fail and are accordingly dismissed. Though without any order as to costs.*

*At the request of the learned counsel for the private party it is directed that status quo as it existed on December 18, 1974, as regards actual physical possession in respect of the land in dispute shall be maintained till the final decision of the Managing Officer in pursuance of the order of the Chief Settlement Commissioner, dated January 16, 1970, which now holds the field."*

5.9 It is the case of the petitioners that in pursuance of order dated 25.08.1976 (Annexure P-3) passed in **LPA-504-1974**, Jaswant Singh, during his life time and thereafter, his son namely, Sudarshan Singh, requested orally as well as in writing to the concerned Managing Officer to decide the permanent rights of Jaswant Singh under the 1954 Act; however, no decision was taken thereon and rather, the Tehsildar (Sales-cum-Managing Officer), Malerkotla passed an order dated 07.05.1991 (Annexure P-6 in **CWP-8342-1991**), allotting 24 kanals-4 marlas, out of the land situated at Village Mehmoodabad, in favour of one Nasib Kaur.

5.10 In these circumstances, the petitioners preferred a writ petition (**CWP-8342-1991** titled as **Mohinder Kaur and others vs State of Punjab and others**), seeking relief/s, as noticed here-in-above. It is worth noticing herein that this Court in **CWP-8342-1991**, passed an order dated 19.08.2015, the relevant extract of which reads as under :-

**“CM No.1141 of 2015**

*The predecessors interest of the petitioners was allotted land in five villages in lieu of the land left behind by him in Pakistan during partition. The land in village Mehmoodabad was allotted to the petitioner temporarily and later on a part of the land out of the total was allotted to respondent No.3 Nasib Kaur by Tehsildar (Mahal) (Sales-cum-Managing Officer), Malerkotla. The petitioner has assailed the said order dated 7.05.1991 (Annexure P-6) also in the present petition.*

*Counsel for respondent No.3 has made a statement today at the bar that the order (Annexure P-6) may be set aside as she has entered into a compromise with the petitioners and does not want the land which*

*has been allotted to her by the Tehsildar/MO out of the land which was temporarily allotted to the petitioners in village Mehmoodabad. This stand is taken by respondent No.3 on the condition that she would be allotted some equivalent land elsewhere.*

*Be that as it may, once respondent No.3 is not contesting the present petition and not claiming the land having been allotted to her vide Annexure P-6, therefore, the said order (Annexure P-6) is hereby set aside.*

**CWP No.8342 of 1991**

*Counsel for respondent Nos.1, 2 and 4 however, prays for more time to comply with the order passed by the Hon'ble Division Bench of this Court on 25.08.1976 as they were to compare the entitlement of the predecessors of the petitioners over the land allotted to them in village Mehmoodabad in lieu of the land owned by him in Pakistan before partition.*

*It is submitted by Shri Yatinder Sharma, Addl. A.G., Punjab that the said information is not being gathered for some reasons and prays for three weeks time in this regard to make a statement.*

*On his request, adjourned to 16.09.2015.”*

5.11 In pursuance of the afore-said directions issued by this Court, the matter was taken up by the Special Secretary (Revenue)-cum-Claims Commissioner, Punjab as the 1954 Act was repealed by the Government of India, vide its notification dated 06.09.2005 and subsequently, the Punjab Government amended the Punjab Package Deal Properties Act, 1976 (for short 'the 1976 Act'), vide notification dated 01.04.2009; whereby, Section 4-B was inserted in the 1976 Act, providing as under :-

*“Section 4-B(1) A displaced person in whose favour, an order regarding entitlement to property in lieu of the property, left in Pakistan, was passed by any*

*authority, appointed under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 since repealed (hereinafter referred to as the repealed Act of 1954) upto the 5<sup>th</sup> day of September, 2005, but the property was not allotted or the possession of the allotted property was not given to him, or in whose case, proceedings were pending before any authority for allotment or possession up to the said day, may apply, within a period of ninety days from the date of commencement of the Punjab Package Deal Properties (Disposal) Amendment Act, 2009, to the following authorities, namely:-*

*(a) The Financial Commissioner, Revenue, if the order was passed by the State Government under the repealed Act of 1954; and*

*(b) The Claims Commissioner, if the order was passed by an authority, other than the State Government.*

*(2) The person, who could not exercise right of appeal or review on account of the repeal of the repealed Act of 1954, shall also be eligible to submit their applications to the Claims Commissioner for settlement.*

*(3) The persons, whose claims for allotment were rejected by any officer, appointed under the repealed Act of 1954, and who had not filed any appeal, review or revision within the stipulated period up to the 5<sup>th</sup> days of September, 2005, shall not be eligible for allotment of property.”*

5.12 Pursuant to the above, the Claims Commissioner, vide order dated 13.02.2017, rejected the claim of the petitioners by holding that Jaswant Singh, was not a displaced person and rather, he was the permanent resident of Village Babanpur, District Sangrur.

5.13 In view of the fact that the claim of the petitioners/Jaswant

Singh was rejected by the Claims Commissioner, Punjab vide order dated 13.02.2017, the petitioners, herein, preferred another writ petition (***CWP-14705-2018***), challenging the said order dated 13.02.2017.

6. Heard.

7. As far as ***CWP-8342-1991*** titled as ***Mohinder Kaur and others vs State of Punjab and others***, is concerned, the part relief sought therein i.e. for setting aside of the order dated 07.05.1991 (Annexure P-6) passed by the Tehsildar (Sales-cum-Managing Officer), Malerkotla, was already granted by the Co-ordinate Bench of this Court, vide order dated 19.08.2015 and since, the claim of the petitioners/Jaswant Singh, stands rejected, no further orders are required to be passed in this writ petition (***CWP-8342-1991*** titled as ***Mohinder Kaur and others vs State of Punjab and others***) and ***the same is, accordingly, disposed of.***

8. Now coming to the writ petition bearing ***CWP-14705-2018*** titled as ***Manpreet Singh and others vs State of Punjab and others***, the prayer herein is for setting aside the order dated 13.02.2017 (Annexure P-1) passed by the Special Secretary (Revenue) Punjab, exercising the powers of Claims Commissioner, under the Punjab Package Deal Properties (Disposal) Amendment Act, 2009; whereby, the claim of the petitioners/Jaswant Singh, was rejected by observing as under :-

*“13. I have considered the arguments advanced by both the parties and I have also gone through the record. It is an admitted fact that Jaswant Singh, predecessor of the petitioners had got the allotment made to the extent of 30.8 S.A. land by projecting himself as displaced person. At the initial stage Jangir Singh had made a complaint to the effect that Jaswant Singh had not abandoned any land in Pakistan and thus, was not entitled to allotment. Subsequently, the*

*allotment was cancelled by the Managing Officer. However, inspite of various rounds of litigation the real issue involved regarding Jaswant Singh being a displaced person was not properly adhered by the Revenue Authorities at various levels. The documents referred to in the arguments by the State Counsel so that Jaswant Singh, predecessor of petitioner was a permanent resident of village Babanpur, Tehsil Duri and according to the verification report of Patwari village Babanpur based upon the enquiry from elderly people of 90-95 years it has come out that Jaswant Singh was not a displaced person and was permanent resident of Babanpur, Tehsil Duri, District Sangrur. In such circumstances, Jaswant Singh appears to have wrongly got the land allotted by falsely projecting that he owned land in Pakistan and had migrated to India during the partition of the Country. Director Land Records, Punjab has also submitted his report dated 09.02.2016 to the Department of Revenue and Rehabilitation, Punjab that the jamabandi relating to village Mirzeka Tehsil Minchnabad, Pakistan in the name of Jaswant Singh, predecessor of the petitioner was not available in that office and thus, it cannot said that Jaswant Singh had abandoned land in Pakistan in lieu of which he had been allotted land in India. It is further stated in the report that there is no entry in I-D register regarding the land in Pakistan. There is no record showing that Jaswant Singh had submitted any mutalba claim for allotment of land after coming from Pakistan.*

*14. The aforesaid circumstances show that there is an element of fraud in the allotment of land to Jaswant Singh in lieu of the land allegedly abandoned by him in Pakistan. There should be some jamabandis regarding the land in Pakistan in favour of Jaswant Singh, available with the Director Land Records,*

*Punjab's order, Jaswant Singh should have himself submitted the proof of his ownership of land in Pakistan and also was supposed to submit mutalba claim.*

15. *In view of the law laid down in the Hon'ble Supreme Court and the Hon'ble Division Bench of the High Court as reproduced below. The fraud can be undone at any stage by any Court even in the collateral proceedings. The Hon'ble Supreme Court in the case titled as S.P. Chengalvarya Naidu Vs. Jagannath & others cited as AIR 1994 SC 853 :-*

*“Kuldip Singh, J.:- Fraud avoids all judicial acts, ecclesiastical or temporal” observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and nonest in the eyes of law. Such a judgement/decree by the first court or by the highest court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings.”*

*In another case cited as 2003(1) PLJ 236(DB), Ram Niwas Vs. State of Haryana, the Hon'ble High Court of Punjab and Haryana held as under :-*

*“(b)-an order obtained by a party by fraud can be avoided at any time and even in collateral proceedings, mere length of time for which fraudulent order remained operative would not transform it into a legal or unassailable order.”*

*The Hon'ble High Court in para 7 of the above said ruling have also observed that :-*

*“The principle of “finality of litigation” cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. The Courts of law*

*are meant for imparting justice between the parties. One, who comes to the Court, must come with the clean hands.”*

16. *So far as wagha comparison is concerned, as directed by the Hon’ble High Court in the order dated 25.08.1976, it may not be feasible at this stage on account of the continuous strained relations between two countries since 1971 Indo-Pak war.*

17. *The report dated 20.08.2016 of Tehsildar, Malerkotla also indicates that the petitioners had not maintained the status quo as the petitioners/their predecessor had transferred the land to various persons in violation of the order dated 25.08.1976 of the Hon’ble High Court in LPA 504 of 1974 which has been reproduced in para no:1 above.*

18. *In the light of above discussion claim of the petitioners is liable to be dismissed because they have not come to the Court with clean hands and had projected their case on the basis of false claim by Jaswant Singh predecessor of petitioners for allotment of land in dispute in lieu of the land allegedly owned by him in Pakistan. Actually, Jaswant Singh was not a displaced person and had been a permanent resident of village Babanpur, District Sangrur as per reports and jamabandi referred above. Hence the petition is dismissed.*

*Announced.”*

9. During the course of hearing of this petition on 01.07.2024, a specific query was raised to learned counsel for the petitioners as to whether, there was any record/document indicating that Jaswant Singh was a displaced person, whereupon, the learned counsel for the petitioners sought a short accommodation to place on record the relevant documents in that regard. After availing few opportunities, an application bearing

*CM-19122-2024* was filed, wherein, in para No.8, the following stand has been taken :-

*“8. That in terms of the order dated 01.07.2024 passed by this Hon’ble Court, the petitioners had tried to locate the parchi allotments issued in favour of Jaswant Singh-allottee, however, the same were not available with them or with the authorities concerned. Be that as it may, petitioners were able to secure the Jamabandis of three villages viz. Babanpur (1954-55), Bijori Kalan (1974-75) and Badshahpur (1971-72 and 1976-77). As far as Village Babanpur and Bijori Kalan is concerned, it is clearly reflected that land was allotted to Jaswant Singh-allottee and reference has been made to Parchi number as well. As per Jamabandi of Village Badhsahpur is concerned, it is clear that land was initially allotted to Jaswant Singh son of Harnam Singh but subsequently same was allotted to one Piara Singh and after litigation, same was ultimately allotted to Jaswant Singh as allottee. Jaswant Singh has further transferred the property in favour of his sons. Thus, the petitioners are placing on record the copies of available Jamabandis for Village Babanpur, Bijori Kalan and Badshahpur as **Annexures P-7 to P-10**, respectively, in continuation of the annexures already attached with the writ petition.”*

10. Apparently, the petitioners have failed to place on record any material/document, to indicate that Jaswant Singh was a displaced person from West Pakistan and/or on what basis, the allotment was made in the name of Jaswant Singh. It is interesting to see that despite the litigation being pending in the Courts for more than 65 years, nothing has been brought on record to indicate that Jaswant Singh (predecessor-in-interest of the petitioners) was a displaced person and as to whether, the temporary

allotment of land in his favour was against his verified claim as defined under Section 2(e) of the 1954 Act, which reads as under :-

***“Section 2(e) of The Displaced Persons (Compensation and Rehabilitation) Act, 1954***

*(e) “verified claim” means any claim registered under the Displaced Persons (Claims) Act, 1950 (XLV of 1950) in respect of which a final order has been passed under that Act or under the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), and includes any claim registered on or before the 31st day of May, 1953 under the East Punjab Refugees (Registration of Land) (Claims) Act, 1948 (East Punjab Act, XII of 1948) or under the Patiala Refugees (Registration of Land (Claims) ordinance, 2004 (Order 10 of 2004 BK) and verified by any authority appointed for the purpose by the Government of Punjab, the Government of Patiala or the Government of Patiala and East Punjab States Union, as the case may be, which has not been satisfied wholly or partially by the allotment of any evacuee land under the relevant notification specified in Section 10 of this Act, but does not include—*

*(i) any such claim registered in respect of property held in trust for a public purpose of a religious or charitable nature;*

*(ii) except in the case of a banking company for the purpose of sub clause (I) of clause (b) of sub-section (3) of Section 6, only—*

*(a) any such claim made by or on behalf of any company or association whether incorporated or not;*

*(b) any such claim made by a mortgagee or other person holding a charge or lien on immovable property belonging to a displaced person in West Pakistan;”*

11. Here, it would also be gainful to refer to Rule 67-A of the Displaced Person (Compensation and Rehabilitation) Rules, 1955 (for short 'the 1955 Rules'), which reads as under :-

***“67A. Compensation to displaced persons from West Punjab, etc., in respect of agricultural land.***

*- Notwithstanding anything contained in this Chapter a displaced person from West Punjab or a displaced person who was originally domiciled in the undivided Punjab, but who before the partition of India had settled in North West Frontier Province, Baluchistan, Bahawalpur or Sind, whose verified claim in respect of agricultural land has not been satisfied or has been satisfied only partially by the allotment of evacuee land under the relevant notification specified in section 10 of the Act shall not be paid compensation in any form other than the transfer of acquired evacuee agricultural land and rural houses and sites in the State of Punjab or Patiala and East Punjab States Union in accordance with the scales specified in the quasi-permanent allotment scheme operating in those States.*

*Provided that the displaced person applies for payment of compensation in such form not later than the 31st day December, 1963;*

*Provided further that if any person has been allotted land in a State other than Punjab and his land claim has not been satisfied fully, he may for the remaining claim either be allotted land due to him in that State or issued a Statement of Account which he may utilise for purchase of property forming part of the Compensation pool or for adjustment of public dues.”*

12. In *Sat Parkash and another v. Union of India and others*, 2004(1) RCR (Civil) 95 (P&H); this Court, while considering the provisions of the East Punjab Refugees (Registration of Land Claims) Act, 1948; the Displaced Persons (Compensation and Rehabilitation) Act, 1954

and the Punjab Package Deal Properties (Disposal) Act, 1976, held that the “displaced person” can claim compensation only on the basis of “verified claim.” Accordingly, it was concluded that the existence of a verified claim and submission of application by the claimant before the appointed date i.e. 31st December, 1963 constitutes a condition precedent to the allotment of land to the “displaced person.”

13. Evidently, the temporary allotment in favour of Jaswant Singh (predecessor of petitioners) was cancelled by Chief Settlement Commissioner vide order dated 29.12.1970 whereupon Jaswant Singh filed writ petition (*CWP-637-1971*). In the said writ petition, Jaswant Singh had placed reliance only upon a *jamabandi* of Village Mirzeka; however, it was explicitly observed by this Court that the said document (*jamabandi* of Village Mirzeka) is not admissible into evidence as it is not authenticated by the High Commissioner for India in Pakistan. Rather this Court proceeded on the basis that Jaswant Singh would suffer greater loss if his allotment is cancelled and ultimately, it is found that he had ownership rights in land in that village. In those circumstances, this Court observed as under :-

*In the circumstances, it is not advisable for the Department to cancel the allotment of the petitioner. They can do so subsequently if after verification from the Pakistan Government or Wagah Comparison, it is found that the petitioner had no land in village Mirzeka.*

*For the reasons recorded above, I accept the writ petition and quash the order of the Chief Settlement Commissioner dated December 29, 1970.”*

13.1 Even the Hon’ble LPA Bench, while deciding *LPA-504-1974* on 25.08.1976 (Annexure P-3) observed that they were not inclined to pronounce on the genuineness of *Jamabandi* of Village Mirzeka, which was

produced by Jaswant Singh as the same would be an issue before the Rehabilitation Authorities.

14. Vide impugned order dated 13.02.2017 (Annexure P-1) passed by the Special Secretary (Revenue) Punjab, exercising the powers of Claims Commissioner, under the Punjab Package Deal Properties (Disposal) Amendment Act, 2009, a finding has been returned that Jaswant Singh was infact a permanent resident of Village Babanpur, Tehsil Dhuri and as per the verification carried out by the authorities, it has come out that Jaswant Singh was not a displaced person and that he has wrongly got the land allotted by falsely projecting that he owned land in Pakistan and that he had migrated to India during the partition of the country.

14.1 It appears that the Director, Land Records, Punjab has also submitted a report dated 09.02.2016 to the effect that the jamabandi relating to Village Mirzeka, Tehsil Minchandabad, Pakistan, in the name of Jaswant Singh (predecessor-in-interest of the petitioners) was not available and there was nothing to show that Jaswant Singh had abandoned land in Pakistan, in lieu of which, he had been allotted land in India. It has been further reported that there was no entry in 1-D Register regarding the land in Pakistan and there was also no record indicating that Jaswant Singh, had ever submitted any claim for allotment of land after coming from Pakistan. It has also been observed that there is no revenue record in the name of Jaswant Singh as regards the land, which was claimed to be owned by him in Pakistan.

15. Learned counsel for the petitioners has failed to refer to any material to dislodge the afore-said observations made by the Claims Commissioner.

15.1 Another factor which is required to be noticed is that vide order dated 25.08.1976 (Annexure P-3) passed in **LPA-504-1974**, a Division Bench of this Court had directed that *status quo as it existed on December 18. 1974 as regards actual physical possession in respect of land in dispute was to be maintained till the final decision of Managing Officer*; however, as per order dated 13.02.2017 (Annexure P-1), the order dated 25.08.1976 (Annexure P-3) has been violated by petitioners and/or their predecessors by transferring the land in question.

16. Considering the totality of circumstances, once there is no material to conclude that Jaswant Singh, was a displaced person from West Pakistan and/or that Jaswant Singh had any verified claim for allotment of land, in terms of the provisions contained under the 1954 Act and the 1955 Rules, made thereunder, no relief can be granted to the petitioners. Resultantly, the writ petition bearing **CWP-14705-2018** titled as ***Manpreet Singh and others vs State of Punjab and others***, fails and the same is, accordingly, dismissed.

16.1 As a consequence of this order, there shall be a direction to the concerned authorities to retrieve the land(s) in question from the petitioners, who claim to be the successors-in-interest of Jaswant Singh and/or from their vendees (if any).

17. All pending applications (if any) shall also stand closed.

18. A photocopy of this order be placed on the file of another connected case.

**March 18, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No