

D.B. CIVIL SPECIAL APPEAL (W) NO.848/06
(Chief Settlement Commissioner & Ors.
Bhagat Singh & Ors.)

Date of order : 22.12.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. S.K. Vyas, for the appellants.

Heard learned counsel for the appellant.

By judgment under appeal, six writ petitions were decided by a common order. The question raised in all these petitions were whether as a result of repeal of Displaced Persons (Compensation of Rehabilitation) Act, 1954 - the central enactment, the proceedings pending in respect of provisions of the said repealed Act would survive in the light of Section 6 of General Clauses Act.

while it was pointed out by the learned counsel for the non-petitioners-appellants that with the repeal of the central enactment, all pending proceeding lapsed. Reliance was placed on the Supreme Court decision in case of Kolhapur Canesugar works Ltd. & Ors. Vs. UOI & Ors., reported in AIR 2000 SC 811, which related to omission of Rule 10 and 10A of Central Excise Rules, 1944.

In that case, it was laid down that omission or repeal of Rule is not equated with the repeal of Central enactment made by Legislature or regulation as defined under Section 2 (50) of the General Clauses Act. Section 6 operates only in relation to repeal of an enactment made by the Legislature or regulations as defined under Section 2 (50) of the General Clauses Act.

Considering the aforesaid distinction in DB Civil Special Appeal No.840/2006 (Chief Settlement Officer & Ors. Vs. Ladu Ram & Ors.), decided on 12.12.2006, arising from the same judgment, the judgment of the learned Single Judge has been upheld and the appeal has been dismissed.

In the aforesaid judgment, it has been further observed that the proceedings in connection with which appeal was carried by the petitioners and was subjected to revision before the Collector cum Chief Settlement Officer really arose in respect of the directions to bring the land records to accord with the 'sanad' issued under the provisions of the Act of 1954 but the proceedings in fact did not relate or pending under the Act of 1954. The maintenance of the land records to accord with possession of valid title is governed by the Rajasthan Land Revenue Act and Tenancy Act, may be the source of grant of title be the Act of 1954.

In view of the aforesaid Bench decision, holding the judgment under appeal arising out of the another connected writ petition decided by the same judgment, this appeal fails and is hereby dismissed in limine.

(GOPAL KRISHAN VYAS), J.

(RAJESH BALIA), J.

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