

such a construction can be put without straining the plain language.

Applying the recognised canons of construction, I am led to the conclusion that a landowner who has made his selection of "permissible area" under section 5-B of the Act, is competent to eject a tenant from that area under section 9(1)(i). There is, of course, no room for doubt as to the liability of tenants to be ejected under section 9(1)(ii) to (vii). I find myself in agreement with the reasoning of the Financial Commissioner as given in his order, dated 20th October, 1960. In the result, this civil writ petition fails and is dismissed with costs.

Angrej Singh  
v.  
Financial Commissioner,  
Punjab, and  
others  
—  
Tek Chand. J.

INDER DEV DUA, J.—I agree.

I. D. Dua, J.

B.R.T.

CIVIL MISCELLANEOUS

Before Daya Krishan Mahajan, J.

BISHAN SINGH,—Petitioner

versus

CENTRAL GOVERNMENT AND OTHERS,—Respondents.

Civil Writ No. 174 of 1961.

*Displaced Persons (Compensation and Rehabilitation) Rules, 1955—Rules 56, 62 and 69—Allottees of agricultural lands obtaining land in excess of what they were entitled to—Whether entitled to purchase the excess land.*

1962

April, 27th

Held, that the allottees of land to whom the allotment has been made under section 10 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, are not entitled, by reason of Rule 69, to the benefit of the Chapter in which rules 56 and 62 occur. There is no other provision in the Rules or in the Act whereunder such displaced persons who had taken land in excess of what they were entitled to have a right to purchase that excess in land at any fixed price. The offer by Government to sell such excess to such persons at the price fixed by Government is merely a concession shown to them but it does not confer

any right on them under the law and therefore if they want to avail of this concession they have to pay the price fixed by the Government.

*Petition under Articles 226 and 227 of the Constitution of India praying that a Writ of Certiorari, Mandamus or any other appropriate Writ, Order or direction be issued quashing the order of respondents Nos. 3 to 5, dated 13th October, 1960, 12th December, 1958 and 6th January, 1961, respectively and further praying that the respondents be directed to allow the petitioner to purchase the excess land at Rs. 450 per standard acre.*

H. S. WASU, ADVOCATE, for the Petitioner.

H. S. DOABIA, ADDITIONAL ADVOCATE-GENERAL, for the Respondents.

**Mahajan, J.**

MAHAJAN, J.—This order will dispose of Civil Writs Nos. 174, 416 and 420 of 1961. The point for determination in all these petitions is the same.

The petitioners are various allottees of land who had obtained allotment of land in excess of what they were entitled to. The excess allotment was cancelled by the appropriate authority and they were offered to purchase this land at the fixed value. The value has been fixed at the rate of Rs. 675 per standard acre upto two standard acres and at the rate of Rs. 900 per standard acre exceeding two standard acres. The contention of the petitioners is that they can only be asked to pay the price at the rate of Rs. 450 per standard acre and further that the land must be sold to them and none else. Reliance is placed on rule 62 read with rule 56 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. It is not necessary to decide as to what is the correct position under these rules because a complete answer to the petitions is furnished by rule 69, which is in these terms:—

“Nothing in this Chapter shall apply to agricultural land allotted in the States

of Punjab and Patiala and East Punjab States Union under section 10 of the Act.”

The allotment of the petitioners was under section 10 of the Act and, therefore, by reason of Rule 69 they are not entitled to the benefit of the Chapter in which the rules 56 and 62 occur. There is no other provision in the rules or in the Act whereunder such displaced persons who had taken land in excess of what they were entitled to have a right to purchase that excess in land at any fixed price. The offer by Government to sell such excess to such persons at the price fixed by Government is merely a concession shown to them but it does not confer any right on them under the law and, therefore, if they want to avail of this concession they have to pay the price fixed by the Government. That being so, there is no merit in either of these petitions. The same fail and are dismissed. The Department will, however, make the last offer to these petitioners to acquire the land at the price at which the Department offered them to do so at the relevant time. In case they fail to pay that price the Department may and can deprive them of the excess area of land. There will be no order as to costs.

B.R.T.

#### APPELLATE CIVIL

*Before Mehar Singh and P. D. Sharma, JJ.*

NATIONAL ELECTRIC SUPPLY AND TRADING  
CORPORATION PRIVATE LTD.—Appellant.

*versus*

PUNJAB STATE AND ANOTHER,—Respondents.

First Appeal from Order No. 128 of 1958.

*Electricity Act (IX of 1910) before amendment by  
Act XXXII of 1959—Sections 7 and 52—State Government—  
Whether competent to appoint arbitrator to settle dispute May,*

1962

102.