

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1475 of 2002
Date of Decision: 18.02.2015

Sarwan Kumar Goyal and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sanjiv Thakur, Advocate for
Mr. Sanjiv Bansal, Advocate for the petitioners.

Mr. P.S. Bajwa, Addl. A.G., Punjab, for respondent No.1

None for respondents No. 2 and 3.

HEMANT GUPTA, J.(ORAL)

Challenge in the present writ petition is to the rate of Rs.3600/- per sq. yard charged from the petitioners in the letter of allotment dated 18.01.1999 (Annexure P-5).

The grievance of the petitioner is that other allottees belonging to the same category of the defence personnel have been allotted plots @ Rs.1400/- per sq. yards, whereas the allotment was made to the petitioners @ Rs.3600/- per sq. yard. Learned counsel for the petitioners relies upon an order passed by Division Bench of this Court in the case of **Sucha Singh Vs. State of Punjab and others** passed in *CWP No.8285 of 2000*, decided on 18.10.2000. Special Leave Petition against the said judgment was dismissed by Hon'ble Supreme Court on 26.02.2001.

The argument of learned counsel for the petitioners is that the claim of the writ petitioners is at par with the claim of the writ petitioner in **Sucha Singh's case (supra)**. Therefore, the petitioners are entitled to the same relief, as is granted in **Sucha Singh's case**

Having heard learned counsel for the parties, we find that the writ petition suffered from delay and laches. The allotment of plot was made in favour of the petitioner on 18.01.1999. The present petition, disputing the letter of allotment, was filed on 22.01.2002 i.e. after more than 3 years. It is the categorical stand of the respondents that the petitioners have not disputed the rate of allotment before depositing the amount claimed in the letter of allotment. Though, similar stand was taken in the case of ***Sucha Singh's case (supra)***, but the Court declined the same.

However, in the present case, the conduct of the petitioners for not raising the dispute in respect of price for a period of three years, disentitles the petitioners to dispute the rate of allotment at this stage. In ***Sucha Singh's case (supra)***, the writ petition was filed in the year 2000 i.e. soon after the letter of allotment was issued, whereas, in the present case, the petitioners waited for more than 3 years to file the present writ petition. The petitioners have chosen to file present writ petition after writ petition of other similarly situated allottees was allowed. The petitioner was sleeping over his rights, which accrued to him if any, soon after the letter of allotment was issued.

In view of the above, we do not find any merit in the present writ petition. The same is dismissed.

(HEMANT GUPTA)
JUDGE

(HARI PAL VERMA)
JUDGE

February 18, 2015
Anjal