

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

**CWP No.12127 of 2015
Date of decision:13.7.2015**

Chander Shekhar

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. B.D.Sharma, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to settle the issue of payment of compensation for the acquisition of Plot No.1326/10, Kucha Mochian, Katra Safaid, Amritsar and for delivery of Plot No.9/2 as per allotment letter dated 24.2.1966 under Local displaced Persons category.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is a representative as well as assignee of the rights of Naresh Talwar and Mahesh Talwar, sons of late Shri Chaman Lal, residents of House No.1142/10, Gali Gujran, Daab, Khatika, Amritsar which they have acquired by virtue of legal and valid will dated 14.2.1998 executed by late

Shri Chaman Lal Talwar son of late Shri Huqam Singh Talwar. Late Shri Chaman Lal Talwar was owner in possession of property/plot No.1326/10, Kucha Mochian, Katra Safaid, Amritsar, which was acquired by the Amritsar Improvement Trust in the year 1962. At the time of acquisition of the said property, the Amritsar Improvement Trust had promised to allot an alternative plot on preferential basis and to pay the compensation for acquisition of the property/plot owned by him. Shri Chaman Lal had executed a Will dated 14.2.1998 before his death bequeathing all his properties and assets in favour of his two sons Naresh Talwar and Mahesh Talwar. He was allotted a plot bearing No.9/2 measuring 45 square yards at the rate of ₹ 60 per square yards in the Kucha Panditan Development Scheme, Amritsar vide allotment letter dated 24.2.1966, Annexure P.3. He had also paid a sum of ₹ 500/- as earnest money at the time of allotment. He always remained ready and willing to pay the balance amount of ₹ 1857.50 to the Amritsar Improvement Trust. According to the petitioner, neither any compensation for acquisition of the property of Chaman Lal Talwar was paid to him nor the possession of the plot in question was delivered to him during his life time. After the death of Chaman Lal Talwar, all his rights and liabilities devolved upon his sons Naresh Talwar and Mahesh Talwar by virtue of Will dated 14.2.1998 and as such they are entitled to enforce legal rights of their father being the successors-in-interest. Both the sons of late Chaman Lal Talwar assigned their legal rights in favour of the petitioner regarding payment of compensation for the acquisition of the property and possession of Plot No.9/2, measuring 45 square yards under Kutcha Panditan Development Scheme, Amritsar. In spite of various requests made by the petitioner to the Improvement Trust

in this regard, nothing was done. The petitioner sought information under Right to Information Act, 2005. The information supplied to the petitioner vide letter dated 6.4.2015, Annexure P.7 showed that the improvement Trust had given possession of plots to number of persons in various development schemes of the trust under the category of local displaced persons but the petitioner was not given anything. He sent legal notice dated 18.9.2014, Annexure P.8 to the respondents. Having received no response, he has filed the instant writ petition.

3. We have heard learned counsel for the petitioners.

4. The plot in question was acquired in the year 1962. The present petition has been filed in the year 2015 after an inordinately long period of more than five decades. The possession of the land had been taken by the respondents. The petitioner or his predecessors-in-interest had remained silent for such a long period to claim now that no compensation for the acquired property or possession of the alternative plot had been given to him. In such a situation, such a claim cannot be permitted to be agitated after more than five decades. In the absence of any material to substantiate the averments made in the writ petition, we are not inclined to entertain the petition after such an inordinate delay. A stale claim is sought to be raked up by way of present petition. In view of the above, the claim of petitioner could not be considered.

5. In *Leelawanti and others vs. State of Haryana and others*, (2012) 1 SCC 66, in similar situation wherein also, land acquired in 1976 was sought to be returned by sending a legal notice in the year 1999, the Apex Court repelled the argument of the petitioners in view of the principles of delay and laches while upholding the judgment dated

21.1.2008, passed by a Division Bench of this Court in CWP No.9152 of 2007 titled *Leelawanti vs. State of Haryana*. The relevant observations on the issue of delay and laches are as under:-

“13. We have considered the respective submissions and examined the records. In our view, the High Court did not commit any error by not entertaining the appellants' challenge to the acquisition of land because they did not offer any explanation for the long time gap of more than three decades between the issue of notifications under sections 4 and 6 i.e. 1976 and filing of the writ petition i.e. 2007.”

6. Accordingly, finding no merit in the petition, the same is dismissed.

(Ajay Kumar Mittal)
Judge

July 13, 2015
'gs'

(Rekha Mittal)
Judge