

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

Civil Writ Petition No. 3176 of 2015

Date of Decision: 23.07.2015

Parmeshwari Devi

..... Petitioner

Vs.

Financial Commissioner-cum-Secretary, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jasminder Singh Thind, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The petitioner has laid challenge to the order dated 24.05.1979 (**Annexure P-1**), passed by the prescribed Authority, Sirsa, whereby her land was declared surplus; further challenge is to the order dated 09.01.2007 (**Annexure P-2**), whereby the appeal was dismissed by the District Collector, Sirsa as hopelessly time barred; further challenge is to the order dated 25.08.2009 (**Annexure P-3**), passed by the Commissioner, Hisar Division, dismissing the revision on the same ground and further challenge is to the order dated 14.08.2013 (**Annexure P-4**), passed by the Financial Commissioner, Haryana, whereby the second revision under Section 18(6) of the Haryana Ceiling on Land Holdings Act, 1972 (for short '1972 Act') was also dismissed.

Learned Counsel for the petitioner has argued that the petitioner had become owner of 200 bighas of land on 30.07.1958 pursuant to a decree passed in her favour in a pre-emption suit and, therefore, the said area had to be excluded from her holdings for the purpose of calculation of the surplus land in her hands as a big land owner under the 1972 Act. It is further contended that the fact regarding passing of the

order dated 24.05.1979 (**P-1**) by the prescribed Authority, Sirsa in the absence of the petitioner came to the knowledge only on entering of the surplus area in the Rapat Rojnamcha on 07.06.2006 by the Village Patwari, and thereafter immediately the appeal was filed and hence her substantive right on the ground of delay cannot be permitted to be defeated.

After hearing learned Counsel for the petitioner, this Court finds no merit in the present writ petition.

The reason for saying so emerges from the fact that the petitioner-Smt. Parmeshwari Devi herself had filed her declaration form under the 1972 Act, whereupon the surplus area was calculated. The said order was passed on 24.05.1979 (**P-1**) by the prescribed Authority. It was incumbent on the petitioner to pursue her declaration form by due appearance, more so when the prescribed Authority also took steps to inform her through proper affixation. The petitioner or her power of attorney after a delay of 27 years filed an appeal with absolutely no plausible explanation of such culpable negligence and delay. Therefore, for lack of due diligence by the petitioner, the learned Appellate Court rightly came to the conclusion that the appeal was hopelessly time barred. Since there was no perversity in such findings, the Revisional Authorities have also thus rightly upheld the impugned orders. Even before this Court, no plausible explanation has been furnished to advance the case of the petitioner. For lack of due diligence by the petitioner, no indulgence to a negligent litigant can be extended. Even the present writ petition has been filed after a delay of almost two years since passing of the order (**P-4**) of the Revisional Authority.

In view of the above, the present writ petition stands dismissed.

July 23, 2015

Gagan

(JASWANT SINGH)
JUDGE