

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

CWP No.9438 of 2014

Date of Decision:-01.04.2015

Gurinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Manish Dadwal, Advocate for the Petitioner.

JASWANT SINGH, J. (ORAL)

Challenge in the present writ petition is to the reply dated 24.04.2014 (P-7) written by Tehsildar(Sales), Jalandhar-I to a legal notice dated 23.02.2014 whereby respondent no.4-Tehsildar (Sales) Jalandhar-I has written to the petitioner that no claim under The Displaced Persons (Compensation and Rehabilitation), 1954 can be maintained by the petitioner due to delay and laches.

In brief the facts of the case are that one Aroor Singh son of Jagjit Singh, grandfather of petitioner-Gurinder Singh was given on lease land in Khasra No.54 and 54/1 by the Rehabilitation Department, Jalandhar. It was averred that as per the policy of the Government of Punjab, Aroor Singh applied for the allotment of agricultural land being a lessee on reserved price. Aroor Singh was held entitled to the transfer of this land from the rehabilitation Authorities after payment of Rs.15,000/-. Pursuant

thereto, some land comprised Khasra No.18591/13689 was transferred in his name for a sum of Rs.5320/- however, remaining land was not transferred as amount was not deposited by said Aroor Singh because the value of the land was allegedly fixed at exorbitant rates. It was challenged by Aroor Singh before various authorities under the Act, 1954 which ultimately culminated into upholding of the alleged exorbitant price by the Hon'ble Supreme Court on 27.11.1986 (P-3).

After 27 years, the successors in interest of Aroor Singh i.e. petitioner herein gave a representation on 21.10.2013 for allotting the remaining land i.e. 6 Kanals 13 Marlas on the payment of the remaining amount i.e. Rs.9680/-. It is further alleged that the said representation was not decided and, therefore, a legal notice dated 23.02.2014 (P-5) was served upon the respondent no.4-Tehsildar (Sales) Jalandhar-I which has been replied by the respondent no.4-Tehsildar(Sales) vide reply dated 24.04.2014 (P-7), in which the respondent no.4 Tehsildar (Sales) has written to the petition that his claim is time barred.

Learned Counsel for the petitioner, on the strength of the facts mentioned hereinabove has argued that the petitioner is entitled to be allotted the remaining land measuring 6 Kanals 13 Marlas on the payment of Rs.9680/- because original allottee-Aroor Singh had been pursuing his case before the concerned authorities till the year 1986, however, he remained unsuccessful and now the petitioner (successor in interest/grandson) has acceded to the demand of the respondent authorities for deposit of the remaining amount of Rs.9680/- so that conveyance deed of the remaining land measuring 6 Kanals 13 Marlas can be executed in his favour.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

In the present case, the petitioner is impugning the reply given by respondent no.4 Tehsildar (Sales) dated 24.04.2014, which in the opinion of this Court does not amount to passing of any order by the concerned official under any official capacity, which would entitle the petitioner for filing the present writ petition.

Even otherwise, the petitioner or his predecessor in interest was required to move an application under The Displaced Persons (Compensation and Rehabilitation) Act, 1954 immediately after the decision of the Hon'ble Supreme Court. However, the petitioner waited for a long period of nearly 27 years before invoking his alleged right of allotment of remaining land. It is settled position of law that if a person is seeking allotment of remaining land after a considerable lapse of time on the basis of a verified claim, mere giving of the representation would neither extend the limitation nor wipe out delay and laches. Therefore, the petitioner cannot be permitted to deposit the remaining amount and seek allotment of remaining land. This Court draws strength from the judgment passed by the Hon'ble Supreme Court in **Union of India & Ors. Vs. Hardyal AIR 2010 Supreme Court 115.**

Furthermore, delay always defeats equity and in the preset case, the equity does not lie in favour of the petitioner because he as well as his predecessor in interest, remained quite for more than 27 years without even raising a whisper of claim/right over the remaining land. Thus, in view of the facts as well as the circumstances mention above, this Court does not

find any reason to exercise its jurisdiction under Article 226/227 of the Constitution, by quashing the reply given by respondent no.4-Tehsildar (Sales) Jalandhar-I (P-7) and further directing the concerned respondents to scan and scrutinise the grievance of the petitioner.

In view of the above, finding no merit in the present petition the same is hereby dismissed

**(JASWANT SINGH)
JUDGE**

April 01, 2015
Vinay