

In the High Court of Punjab and Haryana at Chandigarh

LPA No.251 of 2015 (O&M)

Date of decision: 13.2.2015

Balak Ram @ Govind through LR. Ramwati and others

.....Appellants

Versus

Commissioner-cum-Secretary, Rehabilitation, Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr.Dinesh Ghai, Advocate,
for the appellants.

Raj Mohan Singh, J.

1. Appellants assail order dated 21.1.2015, passed by learned Single Judge in CWP No. 13463 of 2003, vide which prayer to interfere with the orders dated 4.7.2002 and 24.1.2003, passed by respondent No.2 and 1 respectively, has been declined.

2. By scoring off unnecessary details, it can be seen that the auction was conducted on 5.11.1981 in respect of three plots, consisting of khasra No. 120/11 (min), khasra No.114//23/2 and khasra No. 127//15/2. Appellant Balak Ram was the highest bidder and was allotted two plots comprised in khasra No. 120/11 (min) and khasra No. 114//23/2 out of the aforesaid three plots. Appellat deposited the 1/4th bid amount but at one point of time bid was rejected by respondent No.2, Chief Settlement Commissioner, and accordingly confirmation of sale was declined by him vide order

dated 22.4.1988. It was subsequently confirmed in favour of the

appellant vide order dated 30.6.1993. Appellant/petitioner remained unsuccessful qua the plot comprised in khasra No. 127//15/2 but became successful in the Hon'ble Supreme Court qua this plot.

3. Presently, the controversy is with regard to plot No.114//23/2 measuring 1 kanal 2 marla situated in revenue estate of village Badkhal, Faridabad which has come in the municipal limits of Faridabad township. The aforesaid land was acquired by the State vide notifications dated 20.4.1987 and 19.2.1988 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 respectively. The claim of the appellant for an alternative plot in respect of aforesaid khasra No.114//23/2, which was acquired by the State in the year 1987-1988.

4. Learned counsel has vehemently argued that the appellant was the highest bidder in respect of the three plots. The auction was confirmed in respect of two plots and he deposited the requisite amount, whereas, in respect of third plot, since reserve price was not fixed, appellant remained unsuccessful before the authorities. However, with the intervention of the Hon'ble Supreme Court, the matter stood concluded in his favour.

5. It is relevant to mention here that acquisition proceedings started in the year 1987 and, thereafter, award was announced and possession was duly taken by the authorities under the Land Acquisition Act. At this stage, question arises whether the appellant is entitled to any alternate plot or compensation for the acquired land? Apparently, auction was held on 5.11.1981. Appellant though was adjudged highest bidder but his right of ownership could have

perfected only on deposit of the bid amount after confirmation of auction. During the pendency of confirmation proceedings, the land in question was acquired. In such like situation, the appellant had two options. Firstly, if he had deposited the entire amount and became the deemed owner then he could claim compensation for the acquired land. Secondly, the appellant could ask for the refund of his amount along with interest. The appellant never raised any objection whatsoever before the authorities against the acquisition proceedings or the award passed in pursuance thereto.

6. Learned Single Judge gave two options to the appellant:-

(i) either he should claim compensation awarded in land acquisition proceedings, which was deposited by the land acquisition authorities with the treasury or (ii) he can seek refund of the amount along with interest @ 9% from the date of deposit of the amount in auction proceedings till payment is made. Both the options given by the learned Single Judge have not been accepted by the appellant.

7. The acquisition proceedings started prior to date of confirmation of sale i.e. on 30.6.1993. The appellant was fully aware of the fact that khasra No. 114/23/2 had been acquired by the State. Appellant never agitated against the said acquisition, nor filed any proceedings, nor challenge the award in any manner. The appellant remained busy in getting his right perfected qua the third plot. The land having vested with the State on account of acquisition lost its character of being owned by any individual. The amount of compensation already stood deposited by the authorities with the treasury. With the passing of award even symbolic possession was

also delivered and in this way acquisition proceedings stood culminated without there being any challenge in any form.

8. Appellant staked claim for allotment of alternate plot after a lapse of more than 10 years from the date of confirmation and after more than 15 years after the passing of award by the land acquisition authorities. Appellant approached this Court in the year 2003. It is quite intriguing that the appellant has woken up from deep slumber after more than 10 years of confirmation of sale and after 15 years of passing of award in respect of plot in question. That apart mere fact that the appellant was highest bidder, per se, does not vest him an indefeasible right of ownership as the subsequent acquisition made it impossible for the authorities to deliver possession or title of the auctioned property. At this stage, thus, the cause has become totally time barred as the same was never espoused by the appellant within reasonable time.

9. Learned Single Judge has rightly dealt with the proposition of 'reasonable time' and ultimately concluded that the cause in favour of the appellant has suffered with inordinate delay and latches. We are also in full agreement with the view taken by the learned Single Judge. Accordingly, the appeal is dismissed being totally devoid of merits.

(SURYA KANT)
JUDGE

(RAJ MOHAN SINGH)
JUDGE

February 13, 2015
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