

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2207 of 2015 (O&M)

Date of Decision: 09.12.2016

Gurdarshan Singh & Ors.

... Petitioners

VS.

Chandigarh Administration & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

- | | |
|--|-----------------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes / No |
| 4. To be referred to the Reporters or not? | Yes / No |
| 5. Whether the judgment should be reported in the Digest? | Yes / No |

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Vijay Pal, Advocate for the petitioners

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate;
Mr. Vishal Sodhi, Advocate for UT Chandigarh

Ms. Deepali Puri, Advocate for MC Chandigarh

Mr. Gagandeep Wasu, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) There are 24 petitioners in this case who claim themselves to be the residents of village Maloya, UT Chandigarh. They have laid challenge to the notifications dated 01.09.2006 and 27.09.2006 issued under Section 4&6 of the Act followed by Award dated 18.09.2009 vide which land measuring 119.5 marla situated within the revenue estate of village Maloya, UT Chandigarh was acquired.

(2) The petitioners though have admitted that the acquired land is outside the *abadi deh* of the village but they are said to have constructed residential houses or other structures on the acquired land. Since the UT Administration while passing the Award decided to exempt the 'agricultural *baras*' (vacant land used as cattle sheds) from acquisition, the petitioners allege discrimination and seek release of their land/properties.

(3) Sh. Sanjeev Sharma, learned senior counsel representing UT Administration, has taken a preliminary objection that the writ petition deserves to be dismissed on the ground of inordinate delay and laches. He submits that some of the petitioners are not even recorded as owners in the Record of Rights, hence, it is difficult to hold that they have any *locus standi* to question the acquisition.

(4) It is also not in dispute that the possession of the acquired land was entrusted to the Chandigarh Housing Board for construction of one room tenements for the marginalized sections of society and thousands of such flats have since been constructed and handed over to the eligible allottees.

(5) In the light of these facts, the question that arises for consideration is that 'should the writ petition challenging the acquisition proceedings after a delay of almost 9 years be entertained on merits or it be dismissed on account of inordinate delay and laches more-so when parallel rights in favour of the third parties have been created'?

(6) An identical question arose and has been answered against the petitioners in **Vimla Devi & Ors. vs. UT Chandigarh & Ors. (CWP No.22803 of 2015)** decided on 29.11.2016.

(7) For the detailed reasons assigned by this Court in the order dated 29.11.2016 passed in **Vimla Devi & Ors.** case (supra), we are of the considered view that the instant writ petition cannot be entertained on merits and is liable to be dismissed on account of inordinate delay and laches.

(8) Ordered accordingly.

(Surya Kant)
Judge

09.12.2016
vishal shonkar

(Sudip Ahluwalia)
Judge