

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.91 of 2014

Date of Decision: April 07, 2016

Parveen Singla @ Veena Rani

....Petitioner

versus

Bhatinda Improvement Trust and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Ajay Aggarwal, Advocate, for the petitioner.

Mr.Samrath Sagar, Advocate, for respondent No.1.

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1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner has laid challenge to the notifications dated 27.01.1984, 09.03.1984 and 30.01.1987/28.01.1987 issued under Sections 36 & 42 of the Punjab Town Improvement Act, 1922, for the acquisition of the land including comprising khasra No.1826 min, located at Guniana Road, Bathinda. The instant writ petition challenging the notifications of years 1984 and 1987 has been filed in the years 2014.

[2] It may be noticed at the outset that Bhatinda Improvement Trust acquired the land for “16.44 Acres Development Scheme” for which the Award was passed on 23.12.1988. The entire compensation amount was deposited with the Court and thereafter 95% of the Scheme stands fully completed and developed. 5% of the Scheme is stated to be incomplete as owners/occupiers of the acquired property are

in litigation and the matter is sub-judice before this Court.

[3] The petitioner's own case is that she purchased the land measuring 50 square yards vide registered sale deed dated 03.06.2003 from the 'previous owners', namely, Krishan Kumar and Inder Kumar sons of Shri Gunga Sahai, residents of Dhobi Bazar, Bathinda. It is stated that mutation was also sanctioned in her favour but having found through the information taken under RTI Act that the subject land has been included in the land acquired for "16.44 Acres Development Scheme", that the instant writ petition has been filed in the year 2014 challenging the above-stated acquisition.

[4] It is pertinent to mention that the principal contention of the petitioner for challenging the acquisition is that the previous owners of the land were not served with the mandatory notice under Section 38 of the Punjab Town Improvement Act, 1922.

[5] Having heard learned counsel for the parties, we are satisfied that the instant writ petition must fail on more than one grounds. We say so for the reasons that firstly the petitioner, who purchased the suit property in the year 2003, i.e., after 15 years of its acquisition, has no locus standi or cause of action to question the acquisition which took place in the years 1984/1987; secondly, the petitioner was not the owner or occupier of the land at the time when acquisition process was initiated in the year 1984 and completed in the year 1988, hence she cannot have any grievance against the alleged procedural violation by the Improvement Trust; thirdly, the petitioner cannot question the acquisition on the plea that the previous owners were not served with the mandatory notice, for no such plea was ever raised by the aggrieved

owners as they never questioned the subject acquisition; fourthly, the petitioner cannot be termed as bonafide purchaser for ingredients of 'due diligence' are badly missing as she is conspicuously silent as to why she failed to ascertain as to whether or not the vendor possessed a valid title which he could pass on to her and lastly, the writ petition must fail on account of fatal and inordinate delay and laches also.

No case to interfere with the impugned notifications is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 07, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE