

**123 CM-3553-2017 in/and
RA-CW-140-2017 in
CWP-2207-2015**

**GURDARSHAN SINGH AND ORS VS CHANDIGARH
ADMINISTRATION AND ORS**

Present: Mr.Vijay Lath,Advocate
for the review-applicants.

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CM-3553-2017

Application is allowed subject to all just exceptions and the documents, i.e. Annexures A-1 to A-6, are taken on record.

CM stands disposed of.

RA-CW-140-2017

This review application seeks to recall the order dated 09.12.2016 vide which writ petition filed by the review applicants for quashing the acquisition of their land/houses situated in the revenue estate of village Maloya, UT, Chandigarh was dismissed on the ground of delay and laches.

[2] In the review application, it is averred that this Court has already directed the Chandigarh Administration to consider the desirability of releasing the adjoining land shown in yellow colour in the site plan (Annexure A-6). It is further explained that the land shown in dark blue colour has already been exempted by the Chandigarh Administration from acquisition. In this manner, it is contended that no public purpose can be achieved by the Administration by retaining the review applicants' land shown in green colour. It is further urged that a Committee of senior officers was constituted by the Chandigarh Administration, which in its meeting held on 13.09.2010 under the Chairmanship of Finance Secretary,

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Chandigarh Administration, took a conscious decision and recommended that Khasra Nos.21//58/1, 22//25/2, 29//4/1/1 and 29//5/1/1, which are on the boundary line of village Maloya may be considered for exemption from acquisition under Section 48 of the Land Acquisition Act, 1894. It is explained that the above-stated Khasra numbers belong to the review applicants.

[3] Since we have dismissed the writ petition on the ground of delay and laches, in our considered view the above-stated submissions made on merits, cannot be a valid ground to recall the order dated 09.12.2016.

[4] The review-application is, accordingly dismissed. However, it is clarified that dismissal of the writ petition on the ground of delay and laches will not preclude the review-applicants in approaching the Chandigarh Administration for giving effect to its above-stated administrative decision taken on 13.09.2010.

**(SURYA KANT)
JUDGE**

March 20, 2017
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**(SUDIP AHLUWALIA)
JUDGE**