

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.351 of 2019(O&M)
Date of decision: 05.04.2019

Sultan Singh

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Mukesh Yadav, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

CMs-789-90-LPA-2019

For the reasons set out in the applications, delay of 16 days in filing and 510 days in re-filing the appeal is condoned.

CMs stand disposed of.

LPA-351-2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 03.04.2017 passed by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner on the ground of delay and laches.

Facts relevant for the controversy required to be noticed in brief read as under.

A piece of land 10 bighas 4 biswa situated in village Siwani (Pana Paramal) was auctioned on 02.07.1969 in favour of the predecessor-in-interest of the present appellant for a sum of Rs.1000/- and the earnest money amounting to Rs.125/- was deposited and auction was confirmed

in his favour. The balance amount was to be recovered in 15 half yearly installments. The predecessor defaulted in payment of eight successive installments due from Kharif 1970 to Kharif 1974 and as an outcome Tehsildar (Sales) Bhiwani forfeited the already deposited amount and resumed the land to dispose of. It was re-auctioned on 10.03.1976 and 16.08.1978, but no bid was offered. Thereafter, on an application made by the predecessor-in-interest of the appellant, Tehsildar (Sales) got deposited the over due payment on 18.08.1978 and made a reference to the Settlement Officer (Sales), Ambala, for setting aside the forfeiture order. Settlement Officer declined the reference vide order dated 03.10.1978. Against this order, the appellant herein filed an appeal before the then Deputy Secretary (Rehabilitation)-cum-Settlement Commissioner, which was also dismissed vide order dated 04.04.1979 and thereafter land was put again to re-auction on 29.12.1970 and subsequently 18.09.1979 and the auction was confirmed in favour of one Krishan Lal, predecessor-in-interest of respondent No.4. This auction was also not confirmed and set aside vide order dated 05.12.1979 on the ground of proclamation being defective. It was again put to re-auction on 08.01.1980. The bid offered by father of respondent No.4 was the highest and the auction was confirmed in his favour and the possession was also delivered to him, vide rapat roznamcha No.468 dated 08.08.1980. The entire sale price of land in question was deposited and after issuing of the sale deed the land was further transferred by him. Appellant-petitioner challenged the re-auction of the land as confirmed in favour of respondent No.4 vide order dated 12.02.1980, by filing the revision petition on 24.07.1988 before the Settlement Commissioner, Haryana, Chandigarh, which was dismissed in default vide order dated 21.07.1989. However, the

said revision petition was restored vide order dated 11.05.1992. And vide order dated 16.01.1994 was dismissed. The order dated 16.01.1994 was put to challenge by the petitioner by filing writ petition, out of which this appeal arises, in 2012.

Learned Single Judge finding that the appellant-petitioner has approached this court with inordinate delay and laches without there being any proper explanation dismissed the same. We see no reason to take a view different from the one taken by the learned Single Judge. Apart from above fact, once the auction in favour of the appellant-petitioner was cancelled and the order attained finality, in our considered opinion the appellant-petitioner is left with no locus to challenge the subsequent auction and confirmation of the same in favour of respondent No.4.

In view of facts and circumstances, the appeal is devoid of merit and accordingly stands dismissed *in limine*.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

05.04.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO