

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11792 of 2019

Date of Decision:-06.05.2019

Pardeep Kumar & Ors.

.....Petitioners.

Versus

Financial Commissioner, DB-II, Haryana, Chandigarh & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Mr. Sanjeev Kumar Birla, Advocate for the Petitioners.

JASWANT SINGH, J.

Nine (09) petitioners, who are Lrs of Partap Singh, have preferred the instant writ petition, seeking quashing of impugned order dated 19.05.2015 (**P-9**) passed by Financial Commissioner, DB-II, Haryana, Chandigarh whereby their request of issuance of Certificate of Payment in Form US-4 as per Section 10(2) of Haryana Ceiling on Land Holdings Act, 1972, has been declined.

Learned Counsel for the petitioners while heavily relying upon the judgment passed by a coordinate Bench of this Court in **Sher Singh Vs. Financial Commissioner (Revenue) & Ors. 2014(3) RCR (Civil) 434,** has argued that Financial Commissioner, Haryana was under obligation to issue petitioners a certificate of payment of compensation on form US-4, as the required amount of Rs.2765.25/- along with interest at the rate of 10%

issuance of payment certificate. Thus, prayer has been made for setting aside the impugned order and further direct the authority concerned to issue certificate of payment.

We have heard learned Counsel for the petitioner at length and have perused the paper book. However, we are of the view that instant writ petition is without any merit and, therefore, deserves to be dismissed.

Admittedly, Partap Singh son of Sanwal-predecessor in interest of petitioners was allotted surplus land measuring 9 Kanals at village Samargopalpur, Tehsil and District Rohtak under the Haryana Utilization of Surplus and other Areas Scheme, 1976 on 08.01.1977 for a sum of Rs.2765.25/-. It is also an admitted position that amount of Rs.2765.25/- could be deposited in ten equated annual installments, out of which first installment was to be deposited within a period of 30 days of issuance of allotment letter and only then possession of land was to be delivered.

It is not in dispute that neither the first installment was ever deposited by Partap Singh, nor possession was ever delivered to him. It is only after lapse of 32 years that petitioners (who are Lrs of Partap Singh) deemed it convenient enough to deposit the principal amount of Rs.2766/- alongwith Rs.9680/- as 10% interest on said amount on 18.08.2009 and 13.02.2014 respectively. We are of the opinion that in these circumstances, the Financial Commissioner had rightly refused to issue the certificate, as there is inordinate delay on part of the petitioners, who are now coming forward, staking a claim on land, when it has been acquired by State and award pronounced vide order no.12 dated 13.09.2013.

In any case, merely because the land stood allotted to Partap

Singh, does not entitled his legal heirs to stake their claim on the said land,

when there is complete non-compliance of all the conditions set out in the allotment letter as well as 1976 Scheme.

Seen from another angle, the petitioners have filed the instant writ petition after a considerable delay of nearly 4 years, to which no explanation is coming forth and this fact itself shows non-seriousness of their claim.

As far as the judgment relied upon by learned Counsel is concerned, it is seen that same is completely distinguishable on facts. In **Sher Singh's case**, first installment stood deposited and possession delivered and it was thereafter that some dispute regarding non-payment of allotment money in time arose. In the instant case, there is no such issue and infact, petitioners or their predecessors never deposited any installment or were given possession. It is only when they saw that prices of land have gone up as same has been acquired by State, that they have come up with this novel method, which cannot be permitted.

In view of the above, finding no merit in the instant writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

May 06 2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No