

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

406

CWP-20893-2014

Date of decision: 10.09.2019

Ramesh Chand & others

....Petitioners

Versus

Special Land Acquisition Collector-cum-SDM & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Rajan Bhargava, Advocate, for
Mr.Vishal Aggarwal, Advocate, for the petitioners.

Mrs.Ranjana Shahi, Advocate
Mr.Arun Gosain, Advocate
Mr.Varun Issar, Advocate, Advocate, for UOI.
Ms.J.K.Sidhu, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for appointment of Arbitrator for the land which was requisitioned and acquired under the Requisitioning & Acquisition of Immovable Property Act, 1952 in the year 1975.

It is the case of the petitioners that the land was acquired by the respondents vide notification dated 26.03.1964 on 17.09.1975. Claim of the petitioners is that a meager amount of compensation has been granted. The petitioners claim that notice dated 17.09.1975 (Annexure P-1) had been served whether the compensation was adequate. It is submitted that compensation amount was computed but no agreement could be arrived at between the respondents and the petitioners, who are sons of Chhajju Ram and hence claim for appointment of Arbitrator was forwarded.

In the written statement filed by the respondents, it has been averred that nothing has been averred as to when Chhajju Ram expired and

whether during his life-time, he had raised any such dispute regarding grant of meager compensation and communicated with the objections with the respondents that the matter should be adjudicated by the Arbitrator. Reliance has been placed upon the judgment of the Division Bench in **Banto Ram & others Vs. Union of India & others 1989 (2) PLR 401** that after 51 years of acquisition, the landowners could not claim for appointment of Arbitrator.

A perusal of the paperbook would go on to show that in similar circumstances, the Division Bench in **CWP-2433-1989** titled *Maghar Singh Vs. Union of India & others*, dismissed the claim on 03.03.2009 (Annexure R-4), on account of delay of 15 years after receipt of compensation and reliance has been placed upon judgment passed by the Apex Court in **Union of India Vs. Munsha 1995 Supp. (4) SCC 660**. The said order was sought to be reviewed, which was also dismissed on 19.10.2012 (Annexure R-5).

This Court, in similar circumstances, while dealing with the same set of acquisition, in **CWP-13224-2015** titled *Ajaib Singh Vs. Union of India & others*, decided on 30.05.2019, rejected the claim for appointment of Arbitrator at a belated stage, after having signed Form K and having accepted the compensation. The 1952 Act provides that claim for appointment of Arbitrator has to be raised there and then if an agreement is not accepted. In the present case, the death of Chhajju Ram has not been specified and also the present petition has been filed at a belated stage, in the year 2014 and there is an inordinate delay, as such.

Accordingly, in view of the above discussion, this Court is of the opinion that the claim for appointment of Arbitrator, at a belated stage, is not maintainable, in view of the judgment of the Division Bench in **Banto Ram & others Vs. Union of India & others 1989 (2) PLR 401**. Resultantly, finding no merit in the present writ petition, the same is dismissed.

10.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>