

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21222 of 2015 (O&M)

Date of Decision: 09.09.2019

Jagsir Singh & Anr.

... Petitioners

VS.

Union of India & Ors.

... Respondents

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

Present: Mr. Arun Bansal, Advocate for the petitioners

Ms. Ranjana Shahi, Advocate
Mr. Varun Issar, Advocate,
Mr. Minkal Thatai, Advocate for
Mr. Arun Gosain, Advocate for UOI

G.S. SANDHAWALIA, J. (Oral)

The present writ petition has been filed by the petitioners under Articles 226/227 of the Constitution of India seeking a direction for appointment of District & Sessions Judge as Arbitrator on the ground that the petitioners are legal representatives of Chand Singh who was owner of 28 kanals 12 marlas of land situated in village Bibiwala, District Bathinda.

The acquisition is of the year 1975 under the Requisitioning and Acquisition of Immovable Property Act, 1952.

The stand of the respondents is that the land was owned by Smt. Bhagwan Kaur wd/o Sher Singh, Jal Kaur d/o Sher Singh, Smt. Gurdev Kaur d/o Sher Singh, Joginder Singh s/o Sher Singh and Sham Singh s/o Hira Singh. It has been averred that one of the landowner mentioned above, namely, Sham Singh (since deceased through LRs) filed a separate writ petition bearing **CWP No.12017 of 2015 Jugraj Singh vs. Union of India** for appointment of Arbitrator and therefore the present writ petition was heard along with it. Form LA-VII was also attached to show that the

dismissed by this Court on 17.08.2019 wherein it was noticed that payment had been made to Sham Singh s/o Hira Singh and therefore once the payment had been made the landowners as such he could not claim the appointment of an Arbitrator at a belated stage.

A perusal of the memo of parties of the said writ petition would show that 4 petitioners therein were sons of Sham Singh who had staked their claim. No replication has been filed to the written statement as such. Thus it is apparent that the petitioners' cause of action itself does not accrue as the original landowners' petition for appointment of Arbitrator has also been rejected by this Court. Resultantly, the present writ petition is dismissed on account of *locus standi* as such.

09.09.2019

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No