

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.21232 OF 2015 (O&M)

Date of Decision: 09.09.2019

Jagjit Singh & Ors.

... 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 under Articles 226/227 of the Constitution of India seeking a direction to appoint the District & Sessions Judge, Bathinda as Arbitrator for adjudicating the claim of the petitioner.

The petitioners claim themselves to be legal representatives of Dal Singh who was owner of 55 bighas of land situated in village Patti Mehna Bathinda. The acquisition is of 1975 under the Requisitioning and Acquisition of Immovable Property Act, 1952. The claim for appointment was made in the year 2015 on the basis of low compensation having been awarded.

The defence of the respondents as such is that the petitioners are not the owners of the land and the claim is solely on the basis that they are LR's of Dal Singh.

The memo of parties would show that the petitioners are sons of Balkaran Singh and it is not clarified as to how they are LR's of Dal Singh. The respondents in para 3 of their written statement have submitted that the khasra Nos. as mentioned by the petitioners were owned by Hazura Singh s/o

person's name when compensation as such was being calculated. Form CC would show that Rs.1,85,352/- was paid on 04.08.1975 to the said persons. The said fact has not been denied by filing any replication.

Counsel for Union of India has pointed out that Hazura Singh as such had filed a separate writ petition bearing CWP No.19244 of 2015 which was dismissed along with CWP No.13224 of 2015 Ajaib Singh vs. UOI. The ground for dismissal was that landowners had signed agreement in Form K which had been executed which fact had been concealed while challenging the order dated 14.07.2014 whereby the request for appointment of Arbitrator had been declined keeping in view the provisions of 1952 Act. The right as such to claim appointment is to be within a reasonable period. Apart from that on the ground of concealment of facts and delay the petitions had been dismissed in view of the **M/s Prestige Lights Ltd. vs. State Bank of India (2007) 8 SCC 449** and the judgment of the Division Bench in **Banto Ram & Ors. vs. Union of India & Ors. 1989(2) PLR 401**.

Once the dispute as such is to the *locus standi* of the landowners' entitlement in the absence of any legal right or by virtue of Will or other registered document, they cannot have the right to claim compensation to the land which has been requisitioned under the 1952 Act. The said averments have not been controverted by filing any replication and therefore keeping in view the settled principle that disputed questions cannot be gone into in writ jurisdiction, the writ petition is dismissed.

09.09.2019

vvishal

(G.S. Sandhawalia)
Judge

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

Yes/No
Yes/No