

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

406

CWP-23410-2015

Date of decision: 09.09.2019

Makhan Singh

....Petitioner

Versus

Union of India & others

...Respondents

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

Present: Mr.Arun Bansal, Advocate, for the petitioners.

Mrs.Ranjana Shahi, Advocate

Mr.Minkal Thetai, Advocate, for

Mr.Arun Gosain, Advocate

Mr.Varun Issar, Advocate

Mr.Varun Vashisht, Advocate, for UOI.

Ms.J.K.Sidhu, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

The petitioner, in the present writ petition seeks appointment of Arbitrator for adjudicating the claim of the petitioner, on account of the land being acquired under the provisions of the Requisitioning & Acquisition of Immovable Property Act, 1952. It is claimed that the petitioner is legal representative of Surjan Singh, whose land measuring 20 kanals 13 marlas had been acquired of Village Bibi Wala, Tehsil & District Bathinda, on 20.01.1975 but the amount of compensation had been awarded at a low rate. Therefore, petitioner filed application for appointment of Arbitrator on 07.08.2002, through his counsel. Thereafter, the same was followed up but the respondents had not responded.

In the reply filed by the respondents, it was pleaded that land was acquired on 06.03.1975 and notice had been issued under Section 9(1) of the Defence of India Rules, 1971. An offer of acceptance had to be made within 30 days of the receipt of the notice and thereafter, an assessment report was prepared and final assessment was done on 06.03.1975 (Annexure R-1/1). Resultantly, objection has been taken to the claim of the

CWP-23410-2015

-2-

claimant for appointment of Arbitrator, after 40 years, while relying upon the judgment of the Division Bench in **Banto Ram & others Vs. Union of India & others 1989 (2) PLR 401.**

A perusal of Annexure R-1/1 would go on to show that petitioner along with his brothers, Rajinder Singh and Sham Singh had accepted a sum of Rs.65,862/-, as per their shares, on 11.06.1975, as per Form CC, for the land which was acquired for the purpose of Cantonment. It is not specified as to when did Surjan Singh expired and whether during his lifetime, he had ever raised any claim for appointment of Arbitrator. In similar circumstances, on the ground of delay, pertaining to the same set of acquisition, this Court in **CWP-12017-2015** titled *Jugraj Singh Vs. Union of India & others*, decided on 17.08.2019, had dismissed such petitions on the ground that parties had not come with clean hands. Reference was also made of the judgment of the Apex Court in **M/s Prestige Lights Ltd. Vs. State Bank of India (2007) 8 SCC 449** and Banto Ram (supra) wherein the law had been discussed in detail as to what is the period prescribed for raising such a claim. It can, accordingly, be held that petitioner is precluded from claiming such relief, at a belated stage, having filed the application for appointment of Arbitrator after 27 years of having accepted the compensation.

Accordingly, in view of the above discussion, this Court is of the opinion that there is no merit in the present writ petition and the same is dismissed.

09.09.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No