

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

406

CWP-25965-2016 (O&M)
Date of decision: 10.09.2019

Bagga Singh & another

....Petitioners

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.Arun Gosain, Advocate

Mr.Varun Issar, Advocate, Advocate, for UOI.

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

G.S. SANDHAWALIA, J. (Oral)

CM-3775-CWP-2019

Application for final hearing of the writ petition is allowed, in view of the averments made in the application, duly supported by affidavit. Main case is taken on Board and disposed of today itself.

CM stand disposed of.

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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 1952 in the year 1975. Claim of the petitioners is that they are predecessor and co-owners of land measuring 8 kanals, falling in Village Bibi Wala, Tehsil & District Bathinda, which was acquired under the Requisitioning and Acquisition of Immovable Property Act, 1952. A meager amount of compensation has been granted and resultantly, the petitioners had filed application to respondent No.4 for appointment of Arbitrator. It is their case that similarly situated persons had served legal notice also and directions

had been issued for appointment of Arbitrator on 02.05.2007 in CWP-2440-1983 (Annexure P-10). Similarly, in another case, the Arbitrator, on 04.12.2007, had awarded compensation.

In the written statement filed, the plea taken is that firstly there is a lapse of more than 40 years in filing the writ petition and the same is, thus, time-barred. Similarly, it is submitted that the land was owned by Smt.Ajmer Kaur, widow of Ajaib Singh son of Karnail Singh son of Golu, son of Bhola Singh son of Jangir Singh and Chottu Singh son of Kartar Kaur, daughter of Boria Singh and Jagraj Singh son of Jangir Kaur, daughter of Boria Singh and Junga Singh son of Mukanda Singh, son of Malla son of Des Raj son of Bakshish Singh. Form LA-VII has been annexed as Annexure R-1/1 to show the ownership, as such. Resultantly, the locus standi of the petitioners has been questioned.

No replication has been filed to controvert the said averments.

Petitioners are sons of Jeon Singh and Hazura Singh. The application dated 07.08.2002 was moved at a belated stage, after 27 years, as such, by the family, taking advantage of the fact that the other landowners who had not accepted the compensation had sought appointment of Arbitrator. It is not disputed that the land was acquired on 02.01.1975 and it was for the landowners to immediately seek appointment of Arbitrator, for enhancement of the market value, keeping in view the provisions of the 1952 Act. Having not done so, the petitioners are precluded, as such, in view of the judgment of the Division

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Bench in **Banto Ram & others Vs. Union of India & others 1989 (2)**

PLR 401. In similar circumstances, this Court in **CWP-13224-2015** titled *Ajaib Singh Vs. Union of India & others*, decided on 30.05.2019, for the same set of acquisition, rejected the claim for appointment of Arbitrator at a belated stage and Form K having been signed and entered into.

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. 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>