

**C.M. NO.19085 OF 2018 &
CIVIL WRIT PETITION NO.7564 OF 2018**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

106

**C.M. NO.19085 OF 2018 &
CIVIL WRIT PETITION NO.7564 OF 2018
DATE OF DECISION: FEBRUARY 15, 2019**

Hoshiar Singh and others

.....Petitioners

VERSUS

Hawa Singh (Dead) through L.Rs and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ranvir S. Chauhan, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.19085 of 2018

Application is allowed as prayed for subject to all just exceptions.

Document, Annexure P-11, is taken on record.

C.W.P. No.7564 of 2018

Petitioners have approached this Court, challenging the order dated 10.04.1986 (Annexure P-4) passed by the Sub Divisional Officer (Civil)-cum-Prescribed Authority, Rohtak-respondent No.3 and the order of the Financial Commissioner DB-II, Haryana, dated 22.12.2016 (Annexure P-10).

It is the contention of learned counsel for the petitioners that the petitioners were allotted surplus land vide allotment letter dated 15.06.1983

(Annexure P-3). The certificate of allotment was issued to the petitioners on 01.08.1984 (Annexure P-11). The certificate of allotment has clearly indicated that the petitioners had to deposit ten equal instalments of ₹967.93P. It was further mentioned therein that on deposit of the 1st instalment of ₹967.93P, possession could be taken and the next nine instalments, each amounting to ₹967.93P, shall be deposited on or before the due date and in case they fail to take possession within the extended period of 30 days, as directed by the Allotment Authority, the allotment shall be cancelled without any further notice. There were other conditions of allotment as well, which were required to be fulfilled by the petitioners.

It is an admitted position that not even one instalment has been paid by the petitioners in pursuance of the allotment letter and the certificate of allotment and, therefore, possession could not be taken by them. Obviously, as per the terms of allotment, the petitioners ceased to be the allottees any more as they had not fulfilled the conditions as provided for in the allotment certificate, this is apparent from the order dated 22.12.2016 (Annexure P-10) passed by the Financial Commissioner, Haryana. The surplus land was subsequently allotted to some other persons. The petitioners did not challenge this order dated 10.04.1986 passed by the Sub Divisional Officer (Civil)-cum-Prescribed Authority, Rohtak. The said order was ultimately challenged by the petitioners by filing a revision petition i.e. R.O.R. No.99 of 2013-14. The said revision petition has been dismissed by the revisional authority primarily on the ground of non-payment of the instalments and for the inordinate delay of 27 years, which has not been explained at all.

Learned counsel for the petitioners has asserted that the

petitioners were impleaded as party to the application under Section 8 of the Haryana Ceiling on Land Holdings Act, 1972.

This assertion of counsel for the petitioners cannot be accepted in the light of the fact that the certificate of allotment, as has been referred to above, clearly prescribed certain pre-conditions, which the petitioners had to fulfill prior in time to they becoming owners of the said property. However, none of the conditions so prescribed have been fulfilled by the petitioners.

Having firstly not fulfilled any of the conditions of allotment and secondly having slept over their rights for so long, the petitioners cannot take a plea with regard to they being not aware of order having been passed against them. The orders as passed by the authorities, which have been challenged herein, being in consonance with the provisions of the statute and the law, do not call for any interference, especially in the peculiar facts and circumstances of the case, including the inordinate delay on the part of the petitioners in approaching the authorities by filing a revision petition.

Learned counsel for the petitioners has referred to the judgment passed by this Court in Civil Writ Petition No.6021 of 1990 titled as Raj Kumar and others Vs. Commissioner, Hisar Division, Hisar and others (Annexure P-7) decided on 09.05.2014. Perusal of the said judgment would indicate that the order as passed by the Commissioner, Hisar Division, Hisar, which was under challenge, was dated 21.09.1989, which was challenged by the petitioners in the year 1990 and, therefore, the Court has proceeded to decide their claim on merits but the present one is a case where the petitioners have not challenged the order for a period of 27 years and

C.M. NO.19085 OF 2018 &
CIVIL WRIT PETITION NO.7564 OF 2018

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thereafter had filed a revision petition and, thus, the said judgment cannot be said to be applicable as far as the petitioners are concerned.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

February 15, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No