

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

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CIVIL WRIT PETITION NO.26222 OF 2019
DATE OF DECISION: NOVEMBER 07, 2019

Devi Lal and others

.....Petitioners

VERSUS

Financial Commissioner-cum-Secretary to Government of Haryana,
Chandigarh and others

....Respondents

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

Present: Mr. Sandeep Punchhi, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the orders dated 28.07.1999 (Annexure P-3) passed by the Sub Divisional Officer-cum-Prescribed Authority; order dated 14.02.2005 (Annexure P-5) passed by the Commissioner, Hisar Division, Hisar as also order dated 07.12.2005 (Annexure P-6) passed by the Financial Commissioner, Haryana, whereby respondent No.2-Shivala Vakya Talab Rania, District Sirsa, has been given the benefit of it being a religious institution and, therefore, not amenable to the provisions of the Haryana Ceiling on Land Holdings Act, 1972 (hereinafter referred to as “the 1972 Act”).

Counsel for the petitioner has asserted that merely because respondent No.2 is a Shivala, it would not fall within the ambit of religious institution. If that be so, the requirement as per the 1972 Act mandated filing of a statement under Section 9 of the 1972 Act regarding the property in the ownership of said Shivala, which has not been done and, therefore, the said respondent was liable to be penalized for the same. Instead, the

authorities have proceeded to grant said Shivala the status of a religious institute, bringing it out of the ambit of the provisions of the 1972 Act, which is not sustainable, without there being any declaration. He, thus, prays that the present writ petition deserves to be allowed and the impugned orders set-aside.

When confronted with the fact that the writ petition has been preferred after almost 14 years of the passing of the final order by the Financial Commissioner, Haryana, dated 07.12.2005 (Annexure P-6), which is under challenge before this Court, the explanation, which has been put-forth is that the counsel representing the petitioner at that stage had advised against challenging the said order.

This explanation, as projected by learned counsel for the petitioner, is unacceptable. Settled position cannot be unsettled after such a long delay of almost 14 years. It is correct that provisions of the Limitation Act would not be *stricto sensu* applicable while exercising authority under Article 226 of the Constitution of India but the unreasonable and unexplained delay on the part of a party approaching the Court cannot be ignored or overlooked. In the absence of any explanation worth consideration, interference by this Court in exercise of writ jurisdiction is uncalled for in the present case.

This Court, therefore, declines to interfere in exercise of its extra ordinary jurisdiction on the ground of delay and laches. The writ petition, thus, stands dismissed on this score.

November 07, 2019

(AUGUSTINE GEORGE MASIH)

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JUDGE

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