

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

CWP 9866/2020(O&M)
Date of decision:15.07.2020

Vinod Kumar Aggarwal and others

.....Petitioners

v.

Union Territory, Chandigarh and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh
Hon'ble Mr.Justice Girish Agnihotri

Present:- Mr.Gaurav Singla, Advocate for
 Mr.Sanjiv Gupta, Advocate for the petitioners.

Jaswant Singh,J(Oral).

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court]

Ten petitioners, namely, Vinod Kumar Aggarwal, Narender Singh, Lalita Kumar Singla, Balwinder Kumar, Preeti, Sunita Devi, Shalu Rohila, Ghanshyam Bansal, Rajesh Gupta and Tarsem Goyal, residents of different places in Haryana and Punjab have filed the instant petition seeking a writ of mandamus to the Union Territory, Chandigarh / Municipal Corporation, Chandigarh for considering their claim for allotment of residential accommodation within the precincts of rehabilitation policy in the light of orders passed by this Court in case titled as **Ridhi Devi and others v UT and others** - CWP No.30042 of 2018 dated 22.4.2019 (Annexure P-9) and in case CWP 2571 of 2020, **Rohit Bansal and Others v Union Territory, Chandigarh and others** (Annexure P-10) and to consider the representation submitted by the petitioners.

Petitioners claim themselves to be poor persons and inhabitants of small colony namely "Janta Colony, Pocket No.8, Mani

Majra, U.T.,Chandigarh, having purchased small portions of land and raised their constructions since the year 1995-96, as per Annexure P-1). They further claim that although after acquisition proceedings under Sections 4 and 6 of the Land Acquisition Act,1884 an award no.557 dated 5.3.2003 for the development of residential and commercial complex Scheme no.3 was passed, however, the possession is still with the petitioners. However, the claim for rehabilitation is based on decision dated 12.1.2011 in CWP 3233 of 1993 titled **Hari Ram and others v UT Chandigarh and others** (P-2) passed by a Division Bench of this Court.

Counsel for the petitioners has argued for directing the respondents to decide their representation for release of their respective plots in terms of decision Annexure P-2, as has been ordered by this Court in orders Annexures P-9 and P-10.

After hearing counsel for the petitioners we find no justification for issuing any direction to the Authorities for allotment of residential accommodation to the petitioners within the precincts of rehabilitation policy in the light of decision Annexure P-2. Reasons for saying so are that the acquisition ordered way back in the year 1992 was challenged by some of the small land owners in 1993 by filing CWP 3233 of 1993 titled as **Hari Ram and others v Union Territory Chandigarh and others**, wherein the acquisition was not set aside while accepting the alternative prayer of the petitioners therein for allotment of residential plots of same size with compensation for super structures for rehabilitating them, failing which the acquisition proceedings were to be treated as quashed vide judgment dated 12.1.2011 (P-2).

It is not pleaded, instead conceded by the counsel for the petitioners, that the petitioners had/have not filed any writ petition challenging the acquisition, therefore, we fail to understand as to how the petitioners can now claim the benefit of decision dated 12.1.2011 (P-2) that too at such a belated stage. Reliance on order dated 22.4.2019 (P-9) and order dated 1.6.2020 (P-10) whereby this Court has directed for considering the representations for similar relief, as

granted to some of the land owners based on decision P-2, in a writ petition filed in 1993 is also misplaced since it appears that full facts were not brought to the notice of the Court. Even otherwise, there is no binding precedent in the orders P-9 and P-10 apart from being contrary to the observations made by Hon'ble Supreme Court deprecating the practice of passing of orders for deciding representations. No Rehabilitation Policy has been placed on record. Still further, the cause of action, if any, occurred way back in 1993, therefore the entire claim is hopelessly barred by limitation.

Dismissed.

(Jaswant Singh)
Judge

15.07.2020.
joshi

(Girish Agnihotri)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No