

12.04.2022
Court No.13
Item No.85
AP

WPA 15228 of 2021

**Sri Baren Mollick
Vs.
Union of India and Ors.**

(Through Video Conference)

Mr. Bandhu Brata Bhula

... For the Petitioner.

Mr. Partha Ghosh
Mr. Sagar Saha

... For the Union of India.

The writ petitioner is aggrieved by a communication dated 30th July 2021, issued by the Assistant Custodian of Enemy Property. By the impugned order, the petitioner's claim or demand under letter dated 5th July 2021 for release of balance 75 percent of compensation, stood rejected on the ground that 25 percent of verified value, is the maximum limit of value of property lost being paid by the Central Government.

This Court notes that the original claim amount was paid to the writ petitioner's father in the year 1979. The father never pursued the matter. After his death, the writ petitioner for the first time in April 2011 raised the issue before the C.E.P. for payment of balance sums.

Thereafter, the writ petitioner abandoned the claim until November 2019. Then, he made further representation after a gap of nine years for release of balance 75 percent of the value of the property lost.

The petitioner did not receive any reply to the said communications and two years later addressed a communication afresh to the respondents through his learned advocate.

The respondents finally replied for the third time in July 2021, that his claim would not be entertained.

This Court sees delay and laches on the part of the writ petitioner. This Court also notes that the original claimant being the late father of the writ petitioner, had never bothered to pursue the claim after the year 1979. In any event, the Central Government had already taken a decision not to pay anything more than 25 percent of the value of the property lost. This was communicated to the writ petitioner in the year 2010. Following the said communication, there was complete silence on the part of the petitioner till 2019.

This Court is of the view that there is extended unjustified delay or laches, and that estoppel would apply to the writ petitioner's claim.

For the reasons stated above, the writ petition is hereby dismissed.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)