

CWP-14599-2021

Date of Decision:24.03.2022

Padma Tyagi since deceased through her LRs

.....Petitioners

Vs.

State of Haryana and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Mr. Ranjeet Singh Chauhan, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners seek issuance of a writ of 'mandamus' directing the respondents to release payment of Rs.7002.25/- alongwith interest at the rate of 18% per annum since the date of payment made to the respondents till its realisation.

Learned counsel for the petitioners submits that the petitioners, who are the legal representatives of the late Padma Tyagi, being her daughters and sons, have been running from pillar to post for the last 39 years to get a refund of Rs.7,000 plus interest, on account of a plot which was eventually not allotted to her, in respect of which she was only claiming refund.

Mr. Balyan, learned counsel for the respondents, points out that in fact a cheque drawn on the Indian Overseas Bank for an amount of Rs.7,000/-, was duly sent to Padma Tyagi, in the year 1985, at the address with the respondents, which was returned at that point seemingly as she was not living there.

He submits that even so, the respondents are willing to pay the petitioners a total sum of Rs.15,623/-, i.e. Rs.7,000/- plus interest.

Though in our opinion the petition is highly belated and obviously suffers from extreme delay and laches, and if a civil suit for recovery of the aforesaid money had been filed it possibly may not have been maintainable at all on the ground of limitation alone, yet in view of the very fair stand taken by learned counsel for the respondents, this petition is disposed of with a direction that the amount as has been calculated by them be paid to the petitioners within a period of one month from the date of receipt of a certified copy of this order.

It is to be also noticed that the present petitioners are shown to be the children of the late Padma Tyagi, with them all being between 48 years to 59 years of age; and thus it is not a case where they attained majority recently and thereafter sought a refund with interest, as was due to their mother.

(AMOL RATTAN SINGH)
JUDGE

March 24, 2022

dharamvir

(LALIT BATRA)
JUDGE

Whether reasoned/speaking : Yes
Whether reportable : No