

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

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CWP No. 23037 of 2019

Date of Decision:- 25.05.2022

JOGA SINGH AND ORS.

....Petitioners

vs.

STATE OF HARYANA AND ORS.

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Malika Aggarwal, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

It is submitted that the predecessor-in-interest of the petitioners, namely, Sardha Singh son of Mangal Singh was a displaced person and he did not receive his complete entitlement as is evident from communication dated 08.06.2012 received under the Right to Information Act, 2005 (for short 'the 2005 Act'). Thus, the petitioners who have stepped into the shoes of Sardha Singh are entitled to claim the remaining land on his behalf. Legal notice dated 9.3.2019 (Annexure P-4) has been submitted but no action has been taken thereupon. Thus, a direction be issued to the concerned official to decide the pending legal notice.

The facts of this case show that Sardha Singh and thereafter, the successors-in-interest were not vigilant in seeking recourse against the violation of their rights. Sardha Singh died sometime in the year 1979 and till then, he took no steps for completion of his allotment. At least there is nothing on record to indicate so. After his death, the successors did not take recourse to appropriate remedies. Remedy provided by the State under the Haryana Evacuee Properties (Management and Disposal) Act, 2008 was also not availed of. Information under the 2005 Act,

was received in the year 2012 but legal notice was got issued after seven years. Writ petition has been filed after 10 years of the receipt of information and, thus, in my considered view the petitioners are not entitled to any indulgence at the hands of courts of equity.

Accordingly, the writ petition is dismissed on account of delay and laches.

May 25, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned	Yes
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Whether Reportable	No