

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No.20713 of 2024  
Date of Decision: 27.08.2024

Devender and others  
...Petitioners

Versus

State of Haryana and others  
...Respondents

**CORAM:**    *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*  
                  *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:-    Mr. Hemen Aggarwal, Advocate  
                  for the petitioners.

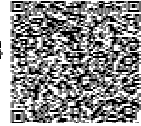
                  Mr. Ankur Mittal, Additional A.G., Haryana with  
                  Mr. Saurabh Mago, D.A.G., Haryana.

                  Mr. Ankur Mittal, Advocate with  
                  Ms. Kushaldeep K. Manchanda, Advocate and  
                  Mr. Siddhant Arora, Advocate and  
                  Ms. Naina Jindal, Advocate  
                  for MC, Gurugram.

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**G.S. Sandhawalia, J.(Oral)**

The petitioners seek the allotment of 100 Sq. Yards residential plot to each of them, in view of the policy instructions issued by respondent No.1 dated 28.01.1974 (Annexure P-1). The claim is based on the order passed earlier in *Civil Writ Petition No.11070 of 2000* on 11.12.2001 (Annexure P-7) wherein direction had been issued to take final decision in the matter and to allot alternative plots to the petitioners and the other eligible Harijans as per the Government policy. Consideration has also been sought to decide the legal notice dated 06.02.2023 (Annexure P-19).



2. The perusal of the legal notice and the record as such would go on to show that the resolution (Annexure P-8) had been passed way back on 02.12.2000, whereby the claim of the 178 landless Harijans for the allotment of residential plots was considered as per the instructions. The petitioners' stand is that their names find mentioned at Sr. Nos.41, 77, 78 & 102 to 105. The petitioners, apparently, at one point of time filed ***Civil Writ Petition No.19301 of 2004*** titled as "***Davinder Singh and others vs. State of Haryana and others***" wherein directions were issued on 26.08.2008 (Annexure P-11) to consider their claim as raised in the legal notice dated 10.04.2002 in terms of the policy instructions dated 28.01.1974. The Deputy Commissioner at one point of time vide the order dated 25.11.2008 (Annexure P-12) found that the petitioners were not in the list of eligible persons and therefore, rejected their claim as such while noticing that the Gram Panchayat had ceased to exist after its inclusion in the Municipal Corporation, Gurgaon vide Govt. Notification dated 02.06.2008. It is also noticed that the policy dated 28.01.1974 ceased to apply in the urban areas. The petitioners, then, approached this Court by filing ***Civil Writ Petition No.5939 of 2009*** which was dismissed on 16.11.2009, along-with bunch of cases and lead case of which was ***Civil Writ Petition No.9180 of 2009*** (Annexure P-14). ***Letters Patent Appeal No.232 of 2011*** was allowed on the ground that the matter could not be disposed of in a consolidated manner without pleadings and therefore, it was remitted to learned Single Judge on 24.05.2011 (Annexure P-15).
3. It is not disputed that later ***CWP No.5939 of 2009*** filed by the petitioners was dismissed on 10.03.2014 (Annexure P-17) wherein learned Single Judge, observed as under:-

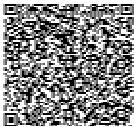


*“ The name of the petitioners were not included by the Gram Panchayat and they were not in the list of eligible persons approved by the Panchayat Samiti vide its resolution dated 25.03.1996. Moreover, after allotting the land in the year 1996 by the Gram Panchayat, this village has been included in the M.C, Gurgaon on 02.06.2008. Now the policy dated 28.01.1974 is not applicable to the M.C*

*In the written statement filed by respondent No. 4, reference has been made to a policy dated 01.02.2008 (R-I) which was made regarding implementation of scheme giving 100 sq yards of plot to the families of SC/BC categories in the MC. The team comprising of Executive Engineer, Asstt. Engineer, Junior Engineer and Naib Tehsildar along with Patwari was constituted to examine the case of the petitioners for allotment of plots in question. The report of the team of M.C Gurgaon also contained that petitioners are not eligible for 100 sq yards plots under the relevant scheme as their names did not find place in the Survey List 2007 as well as the List 2007 supplied by the office of ADC, Gurgaon. At present, no land is available with the M.C. Gurgaon*

*In view of the written statement, the writ petition is dismissed.”*

4. Apparently, the said order was never subject matter of challenge while filing the Letters Patent Appeal and merely, on account of the fact that the representation has, thereafter, been filed on 10.05.2022 (Annexure P-18), would not extend the limitation, as such. Similarly, the prayer, as now made in the writ petition that the legal notice dated 06.02.2023 (Annexure P-19) be decided, is not legally tenable in view of the judgment of the Apex Court in **Govt. of India vs. P. Venkatesh, 2019 (15) SCC 613** and **Yunus (Baboobhai) A. Hamid Padvekar vs. State of Maharashtra through its Secretary and**



others, (2009) 3 SCC 281 that the principle of deciding the representation would only prolong the litigation and repeated representations as such cannot extend the limitation.

5. In such circumstances, we are of the considered opinion that the petitioners have failed to avail the remedy of appeal at the relevant point of time and they, now, cannot agitate for their grievances only on account of having moved the representations or having served the legal notices. Resultantly, we do not find any merit in the present writ petition and the same is dismissed accordingly.

(G.S. SANDHAWALIA)  
JUDGE

27.08.2024  
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(MEENAKSHI I. MEHTA)  
JUDGE

Whether speaking/reasoned: Yes  
Whether Reportable: No