



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-8189-2018 (O&M)

SH.DAYAL SINGH (SINCE DECEASED) THROUGH LR SHAM SINGH

. . . . Petitioner

Vs.

LUDHIANA IMPROVEMENT TRUST AND ANOTHER

. . . . Respondents

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Reserved on: 22.12.2025

Pronounced on: 08.01.2026

Pronounced Fully/Operative Part: Fully

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CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Harjot Singh, Advocate, for the petitioner.  
Mr. M.S. Batth, Advocate, for the respondents.

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DEEPAK GUPTA, J.

LAC-58-1982 titled *Shri Dayal Singh vs. Ludhiana Improvement Trust, Ludhiana and another*, arising out of a reference under Section 18 of the Land Acquisition Act, 1894, was dismissed in default by the President, Land Acquisition Tribunal, Ludhiana Improvement Trust, Ludhiana, vide order dated 16.03.1983 (*Annexure P-4*). Sham Singh, son of Dayal Singh, moved an application for restoration of the said reference on 27.07.2012 along with an application under Sections 5 read with Section 14 of the Limitation Act, 1963, seeking condonation of delay. Both applications were dismissed by the learned Tribunal vide order dated 24.05.2018 (*Annexure P-11*), which is assailed in the present revision.

2. As borne out from the record, Dayal Singh was the original owner of land measuring 117 kanals 15 marlas situated in village Haibowal Khurd, Tehsil and District Ludhiana. The said land was acquired by the State Government pursuant to a development scheme framed by the Ludhiana Improvement Trust known as the “256 Acres Development Scheme”, under Sections 24 and 28 (2) of the Punjab Town Improvement Act, 1922.

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Notification under Section 42 was issued on 24.11.1978, followed by an award dated 12.06.1980 passed by the Land Acquisition Collector, assessing compensation at the rate of ₹9.92 per square yard.

3. Dissatisfied with the quantum of compensation, Dayal Singh sought a reference under Section 18 of the Land Acquisition Act during his lifetime. The reference was forwarded to the Tribunal and registered as LAC-58-1982 on 13.11.1982. However, Dayal Singh had expired earlier on 27.09.1982, i.e., before adjudication could commence. The reference was dismissed in default on 16.03.1983 on the ground that no legal representative had appeared to pursue the matter.

4. Incidentally, Sham Singh, the present petitioner, had also sought a separate reference on the same day in respect of the same acquisition, which was registered as LAC-59-1982. The record further reveals that out of the total acquired land, Dayal Singh had sold 8 kanals to Master Tara Singh Memorial College for Women, Ludhiana, vide sale deed dated 25.01.1974. The said College sought a separate reference, numbered as LAC-107-1982, which was accepted by the Tribunal vide award dated 20.08.1986, enhancing compensation to ₹26 per square yard for that portion of land.

5. In LAC-59-1982, Sham Singh claimed ownership over 62 kanals 4 marlas on the basis of a judgment and decree dated 11.12.1979 passed by the Sub Judge 1st Class, Ludhiana, and ownership of 47 kanals 16 marlas on the basis of alleged transfers involving Guru Gobind Singh Charitable Trust and Dayal Singh Charitable Trust. LAC-59-1982 was dismissed by the Reference Court vide order dated 11.05.2010 (*Annexure P-7*). The writ petition filed thereagainst, i.e., CWP-17091-2010, was dismissed by this Court on 13.01.2012 (*Annexure P-8*).

6. While dismissing the writ petition, this Court noticed that Sham Singh had earlier filed CWP-2088-1994 claiming ownership of the entire acquired land measuring 118 kanals and seeking quashing of the acquisition proceedings and the Collector's award. The said writ petition was dismissed

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by a Division Bench vide judgment dated 25.05.1995, holding that the decree dated 11.12.1979 relied upon by the petitioner was collusive and liable to be set aside. It was further noticed that other suits and appeals filed by Sham Singh had also been dismissed, with concurrent findings that he had no right or title over the land in dispute. The Court also found the alleged trust transactions to be manipulated and imposed costs of ₹10,000/- upon the petitioner for his contumacious conduct in obstructing implementation of the scheme.

7. Seeking restoration of LAC-58-1982, the petitioner contended that the reference could not have been dismissed in default; that Dayal Singh had expired prior to issuance of notice; that he was the sole legal heir under a Will dated 24.09.1982; and that he was bona fide pursuing his remedy through LAC-59-1982 under the belief that he was entitled to seek enhancement independently. It was pleaded that limitation would not apply, as a reference under the Land Acquisition Act is required to be answered on merits irrespective of appearance.

8. The respondents opposed the application, inter alia, on the grounds of lack of locus standi, gross delay, knowledge of dismissal since inception, and inconsistent pleas regarding ownership and inheritance. It was contended that the petitioner was fully aware of dismissal of LAC-58-1982, having filed and pursued LAC-59-1982 in respect of the same land. Reliance was placed upon Article 137 of the Limitation Act to contend that the application for restoration, filed after nearly 29 years, was hopelessly barred by limitation.

9. The learned Tribunal, while noticing that a reference under Section 18 ought not to have been dismissed in default in view of settled law, nevertheless held that the application for restoration was barred by limitation. It was found that the petitioner had knowledge of dismissal of LAC-58-1982 and that Article 137 of the Limitation Act prescribed a period of three years for seeking restoration. Since the application was filed after an



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inordinate delay, the Tribunal declined to condone the delay and dismissed the restoration application.

10. Assailing the said order, learned counsel for the petitioner reiterated that dismissal of a land reference in default is impermissible in law and that the Tribunal erred in applying limitation.

11. *Per contra*, learned counsel for the respondents supported the impugned order, contending that knowledge of dismissal was established and that the petitioner had slept over his alleged rights for decades.

12. This Court has considered the submissions of learned counsel for the parties and has carefully perused the record.

**Reasoning by this court :**

13. The primary contention raised on behalf of the petitioner is that a reference under Section 18 of the Land Acquisition Act, 1894 could not have been dismissed in default and, therefore, the learned Tribunal was under a statutory obligation to decide the reference on merits, irrespective of non-appearance of the claimant or his legal representatives. Reliance has been placed upon judgments of this Court holding that a reference once made cannot be rejected for default.

14. There can be no quarrel with the settled legal position that a reference under Section 18 of the Act ought ordinarily to be decided on merits and not dismissed for non-prosecution. However, the issue before this Court is not the legality of the order dated 16.03.1983 dismissing the reference in default, but the maintainability of the application for restoration filed after an inordinate and unexplained delay of nearly twenty-nine years. The correctness of the dismissal order, even if assumed to be legally flawed, does not *ipso facto* obliterate the requirement of seeking restoration within the period prescribed by law.

15.1 The applicability of the Limitation Act, 1963 to proceedings arising under the Land Acquisition Act, 1894 is no longer *res integra*. In **Town**



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**Municipal Council, Athani v. Presiding Officer, Labour Courts, Hubli and others, (1969) 1 SCC 873**, the Hon'ble Supreme Court held that Article 137 applies to applications made to courts under any statute, unless expressly excluded. This decision laid the foundation for the application of the residuary article beyond the CPC.

15.2        **Kerala State Electricity Board, Trivandrum v. T.P. Kunhaliumma (AIR 1977 SC 282)** is the locus classicus on Article 137, in which a Constitution Bench of the Hon'ble Supreme Court authoritatively settled the law by holding that Article 137 of the Limitation Act governs all applications presented before a civil court, irrespective of whether such applications arise under the Code of Civil Procedure or under a special enactment, unless the statute expressly or by necessary implication excludes its application.

15.3        In **Officer on Special Duty (Land Acquisition) and others v. Shah Manilal Chandulal and others, (1996) 9 SCC 414**, the Supreme Court reiterated that in the absence of an express exclusion, the provisions of the Limitation Act apply to proceedings under the Land Acquisition Act. It was held that applications arising out of land acquisition proceedings are not immune from limitation. Similarly, in **State of Haryana v. Chandra Mani and others, (1996) 3 SCC 132**, while dealing with delay and limitation in land acquisition matters, the Supreme Court reaffirmed that the Limitation Act applies unless specifically excluded, and that courts must examine limitation even in statutory proceedings.

16.        An application seeking restoration of a reference dismissed in default squarely falls within the ambit of the residuary Article 137. In **Baldev Singh v. State of Punjab, 1982 PLR 124 (P&H)**, this Court specifically held that an application for restoration of a land acquisition reference dismissed in default is governed by Article 137 of the Limitation Act, prescribing a period of three years, there being no special period provided under the Land Acquisition Act.

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17. In the present case, the reference LAC-58-1982 was dismissed in default on 16.03.1983. The application for restoration was instituted only on 27.07.2012. The delay of nearly three decades is not only gross but also fatal, particularly when the record unmistakably establishes that the petitioner had full knowledge of the dismissal. The petitioner himself had filed a separate reference, LAC-59-1982, in respect of the very same land, with a clear endorsement that both references were to be decided together. It, therefore, does not lie in the mouth of the petitioner to contend that he was unaware of the fate of LAC-58-1982.

18. The explanation furnished by the petitioner that he was bona fide pursuing his remedies in LAC-59-1982 and other proceedings cannot constitute “sufficient cause” within the meaning of the Limitation Act. Pursuit of parallel or misconceived remedies does not suspend limitation, particularly when such remedies ultimately stood dismissed on findings adverse to the petitioner regarding his locus standi and title. The petitioner’s litigation history, as noticed in earlier judgments of this Court, reveals repeated and unsuccessful attempts to assert ownership over the acquired land despite concurrent findings negating such claims.

19. Equally untenable is the plea that limitation would not apply merely because the reference could not have been dismissed in default. Even assuming that the dismissal was procedurally irregular, the petitioner was required to seek appropriate relief within a reasonable time. Law does not come to the aid of those who sleep over their rights, and courts exercising revisional jurisdiction cannot resurrect stale claims at the cost of settled rights and finality of proceedings.

20. It is also significant that the petitioner has, at different stages, taken mutually destructive pleas—claiming the land to be HUF property, asserting exclusive ownership on the basis of an alleged Will, and simultaneously denying the ownership of his father while seeking benefits as his legal heir. Such conduct disentitles the petitioner to any equitable relief.



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21. In view of the settled position of law laid down by the Hon’ble Supreme Court in *Kerala State Electricity Board, Trivandrum v. T.P. Kunhaliumma (supra)* and the consistent view taken by this Court in *Baldev Singh v. State of Punjab (supra)* and subsequent decisions, it is held that an application seeking restoration of a land acquisition reference dismissed in default is governed by Article 137 of the Limitation Act, 1963.

22. In the face of this settled legal position, any contention that such an application is either not maintainable or is governed by any period other than that prescribed under Article 137 is wholly untenable. The objection raised with regard to limitation is, therefore, devoid of merit and is hereby rejected.

23. The learned Tribunal has correctly appreciated the factual matrix, applied the settled principles of law, and exercised its discretion judiciously in declining condonation of delay and restoration of the reference. No perversity, illegality, or jurisdictional error is shown warranting interference by this Court in exercise of its revisional jurisdiction.

24. Consequently, the present revision petition is devoid of merit and is hereby dismissed. The impugned order dated 24.05.2018 passed by the learned Land Acquisition Tribunal, Ludhiana Improvement Trust, Ludhiana, is upheld.

(DEEPAK GUPTA)  
JUDGE

08.01.2026

*Vivek*

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|----------------------------------|------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |

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