

192 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10224-2026 (O/M)

Date of decision : 06.04.2026

Santokh Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Sarthak Soni, Advocate
for the petitioner.

Mr. Ishaan Kaushal, AAG Punjab.

Mr. Abhilaksh Gaiind, Advocate
for respondent No. 3.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondent No. 3 (Municipal Corporation, Ludhiana) to allot a wooden cabin/khokha on account of displacement of petitioner from his Khokha No. 62, situated near Chaura Bazar.

2. According to petitioner, he was in possession of a wooden Khokha No. 62 at Chaura Bazar Road, which he claims to have been allotted to him upon payment of tehbazari fees. Petitioner claims that he has regularly paid Tehbazari fee upto year 2019, when the said khokha of petitioner was removed by Municipal Corporation, Ludhiana.

2.1 It is the case of petitioner that in the year 2013-14, respondent No. 4 (Greater Ludhiana Area Development Authority) proposed to widen the Chaura Bazar Road due to traffic congestion and accordingly, shifted 45 khokhas from a section of Chaura Bazar Road to a new site at Pink Market.

2.2 It appears that vide resolution (Annexure P-2), Shri Narinder Sharma, Councillor had put up a proposal for shifting of 10 khokha holders to some other place, followed by another such proposal (Annexure P-3); however, no steps were taken. Thereafter, the son of petitioner, namely, Jagpreet Singh, submitted a representation (Annexure P-4) to Municipal Corporation, Ludhiana, stating therein that the name of petitioner has not been mentioned in the list of allottees (who were to be shifted), whereupon a report dated 23.09.2019 (Annexure P-5) is stated to have been submitted before municipal authorities.

2.3 It transpires that 10 persons have been allotted new site as per resolution No. 179, dated 31.12.2019 (Annexure P-6); however, petitioner has been left out. It is further submitted that in pursuance to the aforesaid resolution No. 179, dated 31.12.2019, agreement dated 05.01.2022 (Annexure P-7) has been executed by Municipal Corporation, Ludhiana in favour of other allottees; however, despite serving a legal notice dated 13.05.2022 (Annexure P-8) upon respondent authorities, no action has been taken in respect of petitioner.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for seeking relief(s), as noticed hereinabove.

4. Heard.

5. Apparently, the petitioner is seeking allotment of a khokha on the plea that earlier he was having Khokha No. 62 at Chaura Bazar Road and on account of widening of road, he was dislocated in the year 2019. The petitioner claims that he is entitled to allotment of a new khokha on the ground of parity as similarly situated persons were allotted khokhas, vide resolution No. 179, dated 31.12.2019 and subsequently, even agreements were executed in January, 2022.

6. Evidently, resolution No. 179 was passed in the year 2019 and even the agreements in favour of other allottees were executed in January, 2022. The petitioner claims to have served a legal notice in May, 2022; however, the instant civil writ petition has been filed after a delay of more than three years on 30.03.2026.

7. In ***Krishan Singh Versus State of Punjab, 2010 (4) SCT 583***, a Division Bench of this Court held that even for filing a suit, the period of limitation is three years and the same period has been read into as maximum period for filing of the writ petition.

7.1 Furthermore, in the case of ***Delhi Administration Versus Kaushilya Thakur (2012) 5 SCC 412 : (AIR 2012 Supreme Court 2515)***, Hon'ble the Supreme Court has held that writ petition filed after four years of rejection of application for allotment of a plot cannot be entertained and observed as under :-

"10. We have heard Shri H. P. Raval, learned Additional Solicitor General and Shri Rishikesh, learned counsel for Respondent 1 and perused the record. In our view, the impugned order as also the one passed by the learned single

Judge are liable to be set aside because while granting relief to the husband of respondent No. 1, the Teamed single Judge overlooked the fact that the writ petition had been filed after almost 4 years of the rejection of an application for allotment of 1000 sq. yd. plot made by Ranjodh Kumar Thakur. The fact that the writ petitioner made further representations could not be made a ground for ignoring the delay of more than 3 years, more so because in the subsequent communication that authorities concerned had merely indicated that the decision contained in the first letter would stand.

11. It is trite law to say that in exercise of the power under Article 226 of the Constitution, the High Court cannot entertain belated claims unless the petitioner offers tangible explanation (State of M.P. v. Bhailal Bhai)" (AIR 1964 Supreme Court 1006)."

7.2 Hon'ble the Supreme Court in the case of ***Chennai Metropolitan Water Supply and Sewarage Board v. T. T. Murali Babu, 2014 (4) SCC 108***, has clearly held that delay may have impact on others ripened rights and may unnecessarily drag others into litigation, and expressed their opinion as under :-

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ Court is required to weigh the explanation offered and the acceptability of the same. The Court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional Court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the Court at his own leisure or pleasure, the Court would be under legal obligation to scrutinise whether the list at a belated stage should be entertained or

not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant - a litigant who has fore gotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years delay in approaching the court, yet the writ Court chose not to address the same. It is the duty of the Court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent-employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A Court is not expected to give indulgence to such indolent persons - who compete with Kumbhakama or for that matter Rip Van Winkle. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ Court should have thrown the petition overboard at the very threshold."

8. In view of the above discussion, the instant civil writ petition suffers from delay and laches and same is accordingly, dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

06.04.2026
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No