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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10626-2026 (O/M)

Date of decision : 08.04.2026

Sushila alias Sushila Devi

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Mani Ram Verma, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for respondent No. 2.

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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 certiorari for cancelling the allotment of LPG Distributorship in favour of respondent No. 3 and for further quashing the reply dated 25.03.2026 (Annexure P-9).

2. Learned counsel appearing for petitioner has reiterated the averments made in the instant civil writ petition.

3. On the other hand, Mr. Ashish Kapoor, Advocate has appeared on behalf of respondent No. 2 (Indian Oil Corporation Limited) and has handed over copy of an order dated 09.03.2023, passed by a coordinate Bench of this Court in CWP-26092-2017, in Court today which is taken on record subject to all just exceptions; whereby an earlier writ petition, filed by petitioner was disposed of, by observing as under :-

“Learned counsel for the petitioner has submitted that during the pendency of the present petition, the

distributorship has been allotted to some other person and therefore, he may be permitted to withdraw the present petition in order to enable him to challenge the action of the respondents in allotment of the distributorship towards third person.

Dismissed as withdrawn with the aforesaid liberty.”

4. While referring to the above extracted order, Mr. Ashish Kapoor, Advocate submits that in the present petition, although petitioner has mentioned regarding filing of a writ petition (CWP-26092-2017) before this Court; however, petitioner has intentionally, neither placed on record copy of order dated 09.03.2023, nor the fate of said writ petition has been mentioned in the instant civil writ petition. It is further contended that since earlier writ petition was decided on 09.03.2023, therefore, the instant civil writ petition has been filed clearly beyond the period of three years and is liable to be dismissed on account of delay and laches.

5. I have heard learned counsel for respective parties and perused the paperbook with their able assistance.

6. During the course of hearing of instant civil writ petition, learned counsel for petitioner has not disputed the fact that earlier petitioner had filed a writ petition bearing No. CWP-26092-2017, which came to be withdrawn by the petitioner, vide order dated 09.03.2023 with liberty to enable the petitioner to challenge the action of respondents in the allotment of distributorship towards third person.

6.1 From a perusal of writ petition, it is made out that in the body of petition, there is no mention as regards circumstances under which aforesaid writ petition (CWP-26092-2017) was filed before this

Court and what was the fate of said writ petition. In my considered view, the petitioner has conveniently concealed the factum of passing of order dated 09.03.2023 by this Court in CWP-26092-2017. That apart, the instant civil writ petition has been filed by the petitioner after more than three years from the date of passing of order dated 09.03.2023.

6.2 In *Krishan Singh Versus State of Punjab, 2010 (4) SCT 583*, a Division Bench of this Court held that for the purpose of filing a writ petition, the period of limitation would be the same as in the case of filing a civil suit i.e. three years.

6.3 At this stage, another submission has been raised by learned counsel for petitioner that there is no time period prescribed for filing of writ petition. I have considered the aforesaid contention as well; however, suffice it to say that even if no period of limitation is prescribed even then a litigant has to approach the court within reasonable time. In this regard, reference can be made to a judgment rendered by Hon'ble the Supreme Court in case of *“Loku Ram Versus State of Haryana”, (1999) 1 SCC 726*.

6.4 Evidently, petitioner had earlier filed writ petition (CWP-26092-2017), which was ordered to be dismissed as withdrawn, vide order dated 09.03.2023, with liberty to the petitioner to challenge allotment of distributorship to a third person; however despite being aware of allotment to a third person, no action was taken by petitioner for three years.

7. In view of the above, the instant civil writ petition having been filed after three years from the passing of order dated 09.03.2023 in

CWP-26092-2017, clearly suffers from delay and laches and the same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

08.04.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No