



LPA-225-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-225-2022 (O&M)
Date of Decision :12.03.2026

Gurnam Singh (since deceased) through LRs
and others

...Appellants

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gurcharan Dass, Advocate for the appellants

Mr. Himanshu Arora, Addl. Standing Counsel &
Mr. T.S. Sullar, Advocate for respondent-U.T. Chandigarh.

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Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the order dated 18.02.2020 passed by the learned Single Judge of this Court in CWP-7282-2004 by which, the claim raised by the appellants to appoint an Arbitrator to assess the entitled compensation to which they are entitled upon acquisition of their land after a period of more than 48 years of their land being acquired, has been rejected.

2. Learned counsel for the appellants argues that the land of the appellants was acquired in the year 1951 but as the amount of compensation was not paid to them therefore, in the year 1992, the appellants herein had filed the writ petitions being CWP-14670-1992 as well as CWP-15630 of 1992, which petitions were disposed of so as to direct the Collector

5. Learned counsel for the respondents further submits that the Division Bench of this Court as far back as in 1989 on the similar issue which was raised after a period of 18 years for appointment of the Arbitrator was declined, which judgment was not brought to the notice of the Division Bench deciding the case of **Hari Singh (supra)** and therefore, no benefit of such judgment can be extended to the appellants herein in view of the judgment passed in **Banto Ram and others vs. UOI and others, 1989 (2) PLR 401.**

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It may be noticed that for appointment of an Arbitrator, the writ petition has been filed after a period of more than 53 years of the land being acquired. The said delay has gone unexplained at the hands of the appellants herein. The delay is material as, some time it has to be treated as fatal to the relief claimed. A delay which is unexplained for a period of five decades cannot be condoned so as to consider the claim of fair compensation which has been raised in the writ petition.

8. Further, a period of 18 years under similar circumstances wherein, the appointment of Arbitrator was sought to assess the fair compensation, the Division Bench of this Court in **Banto Ram (supra)** has already declined the said relief which judgment has already been upheld by the Hon'ble Supreme Court of India. Once, the said judgment has already attained finality upto Hon'ble Supreme Court of India, the later judgment which is contrary, without noticing the earlier settled principle of law which has been upheld up to the Hon'ble Supreme Court of India, no relief can be

