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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-17209-2026 (O&M)

Date of Decision : 27.05.2026

Pawan Kumar & Anr

... Petitioner(s)

Versus

State of Haryana & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN
HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI**

Present : Ms. Anuradha Mittra, Ms. Shreya Mittra,
Mr. Bijender Kumar and Ms. Rajni, Advocates
for the petitioners.

Mr. Saurabh Mago, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ directing the official respondents to allot 100 sq. yds. plots to the petitioners pursuant to a Policy dated 01.02.2008.

2. It is the case set up by the petitioners that the petitioners were covered under the Mahatma Gandhi Gramin Basti Yojana Scheme (hereinafter referred to as 'MGGBY Scheme') and that in the original list prepared by the Sarpanch, their names were included. However, since the petitioners' case was not being considered, they approached this Court by filing CWP-19916-2014 which was disposed off vide order dated 24.09.2014 (Annexure P-6) wherein directions were given to respondent Nos.2 and 3 therein to verify the claim of the petitioners. As per report dated 30.09.2015, the petitioners were found

ineligible. The petitioners chose not to challenge the said order finding them ineligible. It is, however, the case set up that on 06.04.2016 the petitioners filed a suit for permanent injunction at District Courts, Gurugram seeking an injunction against exclusion from the draw of plots under the MGGBY Scheme. As per the case set up by the petitioners themselves, a public notice was given qua the final draw of plots held on 07.04.2016 wherein also the names of the petitioners were excluded. The petitioners still chose not to challenge the said draw of plots and chose to keep quiet. The civil suit, as per the averments made in the petition itself, was dismissed as infructuous on 29.07.2025. The present writ petition has been filed on 22.05.2026 though in the petition, the memo of parties, the list of dates, index, the date has been mentioned as 29.09.2025. Interestingly, even the *vakalatnama* bears the date of 29.09.2025.

3. Learned counsel for the petitioners would contend that the petitioners are poor people and were not aware of their rights and, therefore, could not approach this Court earlier and under the wrong advice of the counsel, were pursuing their case before the Civil Court.

4. *Per contra*, Mr. Saurabh Mago, DAG Haryana, on advance notice, has put in appearance on behalf of respondent Nos.1 and 2/State and has pointed out that the municipal limits were extended and the area in question was included within the municipal limits of the Municipal Corporation, Gurugram vide notification dated 28.12.2020 (Annexure P-4). Learned State counsel has further contended that the MGGBY Scheme was applicable only to eligible landless Scheduled Caste (SC), Backward Class (A) and BPL Families in the villages and would not apply to the area falling under the municipal limits.

5. We have heard the learned counsel for the parties.

6. In the present case the petitioners were well aware of their rights and had infact approached this Court on an earlier occasion in the year 2014 by filing CWP-19916-2014, which was decided vide order dated 24.09.2014 (Annexure P-6). Thereafter, the final list was drawn up for the draw of plots on 07.04.2016 in which the petitioners were excluded. The petitioners had filed a civil suit on 06.04.2016. However, after the draw of plots on 07.04.2016 the petitioners took no steps to challenge the same before the High Court/Civil Court or any other Fora.

7. Hon'ble Supreme Court in the case of **Mrinmoy Maity Vs. Chhanda Koley & Ors. [2024 (15) SCC 215]** has held as under :

“11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right

but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court. This Court in the case of Tridip Kumar Dingal and others v. State of W.B and others., (2009) 1 SCC 768 has held to the following effect :

"56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been

disposed of or settled or where the rights of third parties have accrued in the meantime (vide State of M.P. v. Bhailal Bhai [AIR 1964 SC 1006 : (1964) 6 SCR 261], Moon Mills Ltd. v. Industrial Court [AIR 1967 SC 1450] and Bhoop Singh v. Union of India [(1992) 3 SCC 136 : (1992) 21 ATC 675 : (1992) 2 SCR 969]). This principle applies even in case of an infringement of fundamental right (vide Tilokchand Motichand v. H.B. Munshi [(1969) 1 SCC 110], Durga Prashad v. Chief Controller of Imports & Exports [(1969) 1 SCC 185] and Rabindranath Bose v. Union of India [(1970) 1 SCC 84]).

58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose.""

8. Further still, the MGGBY Scheme itself was formulated and is applicable to people residing in villages and cannot be extended to the land falling within the municipal limits. Admittedly, the area of Gram Panchayat of Village Babupur, District Gurugram has now been included within the municipal limits of the Municipal Corporation, Gurugram vide notification dated 28.12.2020.

9. On the ground of delay and laches as well on the ground that no such order can be passed now directing the official respondents to consider the case of the petitioners for allotment of 100 sq. yds. plots under the MGGBY Scheme since the area now falls within the municipal limits, the present writ petition is dismissed.

10. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

**(RAMESH CHANDER DIMRI)
JUDGE**

27.05.2026
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO