



CWP-33289-2025 (O&M)

-1-

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

114

CWP-33289-2025 (O&M)

Date of decision: 27.04.2026

**Narinder Pal {Deceased through his LR's (through
Special Power of Attorney Jaswinder Singh)}**

....Petitioners

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ajay Sharma, Advocate
for the petitioners.

Mr. Rajiv Malhotra, DAG, Haryana.

HARSH BUNGER J. (Oral)

1. Petition herein is, filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 26.10.2012 (Annexure P-19) passed by learned Collector, Panchkula and order dated 22.09.2017 (Annexure P-22) passed by learned Commissioner, Ambala Division, Ambala.

2. Briefly, the predecessor-in-interest of the present petitioners namely Sh. Narinder Pal is stated to be in possession of a house situated within the abadi deh of village Majri Tehsil Kalka District Panchkula.

3. It is averred that since the Municipal Council, Panchkula, threatened the possession of Sh. Narinder Pal over the aforesaid property, therefore, Sh. Narinder Pal filed a civil suit (CS No. 466) before the learned



Civil Court, Panchkula, which came to be partly decreed vide judgment and decree dated 23.12.2010 (Annexure P-2). The aforesaid judgment dated 23.10.2010 (Annexure P-2) is stated to have been further challenged by Sh. Narinder Pal before the learned First Appellate Court.

4. On the other hand, Sh. Puran Chand son of Sh. Mohan Rai, also challenged the aforesaid judgment dated 23.12.2010 (Annexure P-2) by filing a separate appeal i.e. Civil Appeal No. 41 of 2011, wherein, Sh. Puran Chand claimed that he was the owner of the suit property and also that he had donated the same to the Gram Panchayat for public purpose on 02.02.1996 and even a resolution dated 08.02.1996 was passed by the then Gram Panchayat. Sh. Puran Chand further claimed that Gram Panchayat has constructed two rooms thereon.

5. It appears that the learned First Appellate Court decided both the above-referred appeals by a common judgment and decree dated 24.10.2011 (Annexure P-3) whereby appeal preferred by Sh. Narinder Pal was dismissed and the appeal filed by Sh. Puran Chand was allowed.

6. Thereafter it transpires that Municipal Council, Panchkula sought eviction of Sh. Narinder Pal from the suit property by filing a petition under Section 4 of Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (in short “1972 Act”) and further claimed mesne profits as well.

7. The petitioners are stated to have appeared before the learned Collector, Panchkula in the aforesaid eviction proceedings and filed their written statement.



CWP-33289-2025 (O&M)

-3-

8. Learned Collector, Panchkula vide order dated 26.10.2012 (Annexure P-19) allowed the eviction petition filed by Municipal Council, Panchkula and ordered eviction of the petitioners from the suit property.

9. Feeling aggrieved, the petitioners preferred an appeal against the eviction order dated 26.10.2012 (Annexure P-19) before the learned Commissioner, Ambala Division, Ambala which was dismissed vide order dated 13.05.2015 (Annexure P-20).

10. Still aggrieved, petitioners preferred a writ petition bearing CWP No.6289 of 2016 before this Court. On the other hand, the judgment and decree dated 24.10.2011 (Annexure P-3) also came to be challenged before this Court, by way of two regular second appeals i.e. RSA Nos. 36 and 37 of 2012, both filed by the present petitioners.

11. It appears that the above-referred writ petition i.e. CWP No.6289 of 2016 came to be disposed of by this Court along with the aforesaid regular second appeals vide common order dated 07.10.2016 (Annexure P-21), whereby the matter was remanded to the learned Commissioner, Ambala Division, Ambala for deciding the appeal preferred by the petitioners against the eviction order, afresh.

12. That upon remand, learned Commissioner vide order dated 22.09.2017 (Annexure P-22) again dismissed the appeal preferred by the petitioners and maintained the eviction of the petitioners from the suit property, by observing as under:-

“9. I have heard the arguments of both the parties and have perused the file record and original record presented by the Gram Panchayat that Shri Puran Chand son of Shri Mohan



Lal, resident of village Majri, District Panchkula, Babu Ram Sood, BDPO (Retired) and Saroj Gulati, Ex. Sarpanch of village Majri, District Panchkula during the arguments before me, while certifying the actual record and resolution passed by the Gram Panchayat and said that the above said land was donated by Sh. Puran Chand to the Gram Panchayat. Moreover, the donor also clarified and original resolution passed by the Gram Panchayat and said that the above said property is his hard-earned property and on 02.02.1996 was donated by him to the Gram Panchayat Majri for the construction of a school building. It is clear from the facts on file and record that on 02.02.1996 the land was donated by Puran Chand son of Mohan Lal, resident of village Majri to the Gram Panchayat for the construction of the school building. Its record is recorded in the proceedings book of the Panchayat in the proposal dated 08.02.1996. Counsel for the appellants could not provide any such document to prove that the respondent is not the owner of the above said land. Apart from this, the appellants could not present any such document or proof that he is the owner of above said land. In my opinion, the order dated 26.10.2012 passed by the Collector, Panchkula is justified and there is no justification for any kind of interference in it. Therefore, the appeal of the appellants is dismissed.”

13. In the aforementioned circumstances, present writ petition has been filed before this Court, for seeking relief(s), as noticed hereinabove.

14. I have heard the learned counsel for the petitioners and perused the paperbook with his able assistance.

15. It is not disputed before this Court that the learned Commissioner had passed the impugned order (Annexure P-22) way back on 22.09.2017. Apparently the present petition has been filed on 06.11.2025,

**CWP-33289-2025 (O&M)****-5-**

which came up for preliminary hearing for the first time on 11.11.2025 i.e. after a period of more than 7 years from the date of passing of the impugned order 22.09.2017 (Annexure P-22).

16. In **“Printers (Mysore) Ltd. v. M.A. Rasheed”, 2004(4) SCC 460**; Hon'ble Apex Court observed as under:-

“25. Furthermore, the writ petition should not have been entertained keeping in view the fact that it was filed about three years after making of the allotment and execution of the deed of sale. The High Court should have dismissed the writ petition on the ground of delay and laches on the part of the first respondent. The Division Bench of the High Court also does not appear to have considered the plea taken by the appellant herein to the effect that the first respondent had been set up by certain interested persons. In a public interest litigation, the Court should, when such a plea is raised, determine the same...”

16.1 In **“Balwinder Singh v. Punjab State Electricity Board”, 2011(2) SCT 501**; Hon'ble Division Bench of this Court observed as under:-

“5. The other ground for dismissing the writ petition filed by the writ petitioner-appellant is that he had a cause of action on 19.5.2005 when in pursuance of the direction issued by this Court the respondents have decided his legal notice on that date (P-5). However, the writ petition challenging that order was filed after a period of four years in August/September 2009, which is obviously beyond the period of more than four years. It is well settled that if an order passed by the public authorities have not been challenged in a writ petition within a period prescribed for filing of suit then the principle of limitation would apply. The period prescribed for challenging such order is three years.



*For the aforesaid proposition, reliance may be placed on a Constitution Bench judgment of Hon'ble the Supreme Court rendered in the case of **State of M.P. v. Bhailal Bhai**, AIR 1964 Supreme Court 1006. On this score also, the writ petition has been rightly dismissed and the judgment passed by the learned Single Judge does not warrant interference of this Court...*

16.2 That apart, Hon'ble Apex Court in SLP (C) Diary No. 48636 of 2024 titled as "**State of Madhya Pradesh Vs. Ramkumar Choudhary**", while considering the rules of limitation, has observed as under:-

*"5.1. In **Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir**, wherein, one of us (J.B.Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party.*

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last



day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: Ajit Singh Thakur Singh and Another v. State of Gujarat, AIR 1981 SC 733).

8. Accordingly, we dismiss this Special Leave Petition with costs of Rs.1,00,000/- to be deposited by the State within a period of two weeks from today with the Supreme Court Mediation Centre and file proof thereof. If the said amount, as directed, is not deposited by the State, the Registry shall take necessary steps for recovery of the same, in accordance with law.

9. We have deemed it necessary to impose costs to send a stern message that the States must not misuse the Supreme Court's time by filing appeals against the well-reasoned and conscious decisions rendered by the High Courts without proper grounds."

16.3 Further, the Apex Court in Civil Appeal No. 317 of 2025 titled as **"H. Guruswamy and Ors. Vs. A.Krishnaiah since deceased by LRs"** has observed as under:-

"13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the



good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally



balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the ‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time.

18. For all the foregoing reasons this appeal succeeds and is hereby allowed.

19. The impugned order passed by the High Court is set aside and that of the Trial Court dated 05.08.2014 passed in Misc. No. 223 of 2006 is hereby restored.”

16.4 In case of **“Chennai Metropolitan Water Supply and Sewerage Board v. T. T. Murali Babu”, 2014 (4) SCC 108**, the Hon'ble Supreme Court has clearly held 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 lis 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. When the present case is considered in the light of above stated legal position; it is observed that in the paper book, there is no explanation, as to why this writ petition has been filed after such inordinate delay; nor learned counsel for the petitioner has been able to put forth any sufficient cause to justify as to why this writ petition could not be instituted within a reasonable time. It is thus clear that the writ petition suffers from gross delay and laches and therefore, no indulgence can be extended to the petitioners.

18. Considering the aforementioned facts and circumstances, since the present petition has been filed after a delay of almost more than seven years, the instant writ petition is dismissed on the ground of delay and laches.

19. All pending application(s), if any, shall also stand closed.

27.04.2026
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(HARSH BUNGER)
JUDGE

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