

LPA-681-2025 (O&M)

2025:PHHC:061829-DB



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

**CM-1744-45-LPA-2025 in/and
LPA-681-2025
Date of Decision: May 07, 2025**

Deep Chand

.....Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Parminder Singh, Advocate for the appellant.

LISA GILL, J.

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1. Heard learned counsel for appellant.
2. For reasons mentioned in the application as well as arguments addressed, delay of 51 days in filing the appeal is condoned.
3. Application is, accordingly, disposed of.

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1. Prayer in this appeal is for setting aside order dated 12.12.2024 passed by learned Single Bench whereby CWP-33490-2024 filed by appellant/writ petitioner has been dismissed.

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2. Appellant/writ petitioner filed abovesaid writ petition for issuance of a direction to respondents to enter his name in revenue records as the owner of the property in question and to hand over possession of property to him. He also sought a direction to the respondents to decide his representation dated 06.07.2024 in a time bound manner.

3. Appellant/writ petitioner pleaded that he was the highest bidder in an auction conducted by Rehabilitation Department through Tehsildar Sales, Karnal held on 25.07.1989. He submitted a bid of Rs.1,18,000/- which was accepted. He deposited a sum of Rs.14,750/- on the same day with Tehsildar Sales, Karnal in respect to the property as is detailed in the writ petition. Appellant, it is stated, submitted application dated 20.10.1991 to Deputy Commissioner, Karnal for delivery of possession of property which it came to light was in the possession of some illegal occupants. It is further stated that warrant of possession had been issued on 08.01.1992 in respect to the property in question but due to stay order granted by Civil Court, this warrant of possession could not be executed. Subsequently, it was reported by the concerned Patwari on 17.08.1992 that stay in favour of illegal occupants had been vacated but no action was taken for handing over possession of the auctioned land to appellant. He ultimately submitted representation dated 06.07.2024 before respondent No. 3 for delivery of possession and for deposit of outstanding auction money but no response was received, upon which, CWP-33490-2024 was filed.

4. Learned Single Bench on considering the material on record alongwith the facts and circumstances, concluded that writ petition is barred by delay and laches as petitioner has approached the Court after more than 30

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years with no explanation coming forward for the same. It is further noted that allotment of land in favour of appellant/writ petitioner was cancelled on 29.09.1993 on account of non-payment of instalments of the bid amount. Aggrieved therefrom, present appeal has been filed by appellant challenging dismissal of his writ petition vide order dated 12.12.2024.

5. Learned counsel for appellant vehemently argues that learned Single Bench has grossly erred in dismissing CWP-33490-2024 filed by appellant. Appellant was admittedly the highest bidder of the property in question. Possession of this property could not be delivered to him pursuant to auction on account of the same being in illegal occupation of some parties. It is further submitted that cancellation of allotment of land in question on 29.09.1993 was never communicated to appellant. In fact, appellant was never served any show cause notice neither any opportunity of hearing was granted to him before passing of order dated 29.09.1993, which was in fact brought to light only before learned Writ Court. Hence, once there was admittedly delay of confirmation of sale and delivery of possession on the part of respondent – State, dismissal of writ petition filed by appellant on the basis of delay and laches is absolutely unjustified, illegal and arbitrary. It is, thus, prayed that this appeal be allowed, impugned order dated 12.12.2024 be set aside and CWP-33490-2024 be allowed as prayed for.

6. We have heard learned counsel for appellant and have perused the file with his able assistance.

7. It is a matter of record that land in question was auctioned way back in the year 1991 in favour of appellant. It is also a matter of record that auction was never finalized at any point of time. There is no indeed no

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explanation coming forth on the part of appellant/writ petitioner in respect to delay of over 30 years in initiating any proceedings. Doubtlessly, there is no limitation in respect to filing of writ petition but it is a settled position that the same should be filed within a reasonable period. In this respect, it is useful to refer to judgments of Hon'ble Supreme Court in **Bharat Coking Coal Ltd. and others vs. Shyam Kishore Singh (2020) 3 SCC 411; Union of India and others vs. N. Murugesan and others (2022) 2 SCC 25; State of Orissa and another vs. Laxmi Narayan Das (Dead) through LRs and others 2023 LiveLaw (SC) 527 and Bichitrananda Behera vs. State of Orissa and others 2023 AIR (SCC) 5064.**

8. It has been held by Hon'ble the Supreme Court in **Chairman, State Bank of India vs. M J James, (2022) 2 SCC 301** as under:-

“ What is a reasonable time is not to be put in a straitjacket formula or judicially codified in the form of days, etc. as it depends upon the facts and circumstances of each case. A right not exercised for a long time is nonexistent. Doctrine of delay and laches as well as acquiescence are applied to non-suit the litigants who approach the court /appellate authorities belatedly without any justifiable explanation for bringing action after unreasonable delay. In the present case, challenge to the order of dismissal from service by way of appeal was after four years and five months, which is certainly highly belated and beyond justifiable time. Without satisfactory explanation justifying the delay, it is difficult to hold that the appeal was preferred within a reasonable time.”

9. This position has been reiterated by Hon'ble the Supreme Court in the case of **Bichitrananda Behera (supra)**.

10. Learned counsel for appellant upon pointed query even at the time of arguments, is unable to come forth with an explanation, leave alone a reasonable one to explain the delay in question. It is submitted that appellant had lost both his sons and he was single handedly looking after his

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grandchildren and appellant being a landless person, belonging to the category of Scheduled Caste has been proceeded against in an unfair manner. It is to be noted that apart from this ground of appellant having lost his sons not being raised in the writ petition, even at this stage, appellant has not given any details in this respect inasmuch as even the date of death of his sons is not available on record. At this stage, learned counsel for appellant submits that appellant may be permitted to challenge order dated 29.09.1993 as it had at no point of time been served upon him and has been passed behind his back. At this juncture, we do not find any ground whatsoever to grant any such liberty to appellant in order to afford him a fresh lease of life in this matter, where in fact, none exists.

11. Learned counsel for appellant is unable to point out any illegality, infirmity or irregularity in impugned order dated 12.12.2024 which calls for interference.

12. No other argument has been addressed.

13. Appeal being devoid of any merit is, thus, dismissed.

14. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

May 07, 2025

Rts

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