IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: January 06, 2020

1) LPA-2076-2019 (O&M)

Gurcharan Singh and another

…Appellants

Versus

Union of India and others

…. Respondents

2) LPA-2069-2019 (O&M)

Balwant Singh (since deceased) through LRs and others

… Appellants

Versus

Union of India and others

… Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Lupil Gupta, Advocate
for the appellants.

Mr. Arun Gosain, Advocate
for the respondent-UOI.

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RAVI SHANKER JHA, CHIEF JUSTICE, (ORAL)

CM-4774-LPA-2019

For the reasons stated in the application, same is allowed. Delay of 70 days in filing the appeal is condoned.

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Main Appeals

This Letters Patent Appeal has been filed by the appellants-petitioners being aggrieved by an order dated 09.09.2019 passed in CWP-16675-2007, whereby the petition filed by the petitioners claiming appointment of an arbitrator in respect of dispute regarding the amount of compensation under the Requisition and Acquisition of Immovable Property Act, 1952 (for short `the Act of 1952'), has been dismissed on the ground that land of the appellants were requisitioned as back as in the year 1975. The compensation determined by the authorities was disbursed vide award dated 06.03.1975. The learned Single Judge taking note of the fact that the appellants did not file any application seeking appointment of an arbitrator and did so only after a period of 29 years by issuing a notice on 25.10.2004, has dismissed the petition on account of delay and laches. The learned Single Judge has also considered the contention of the appellants that another land owner i.e. Gurbax Singh, whose land was also acquired vide same notification had approached this Court vide CWP No. 2440 of 1983 titled "Gurbax Singh (through LRs) and others vs. Union of India and another", wherein directions had been issued for appointment of arbitrator and thus, parity was claimed as in the case of similarly situated claimant the arbitrator was appointed. The learned Single Judge taking into consideration the delay and laches on the part of the appellants has held that the appellants were not entitled to claim any parity with Gurbax Singh as he was vigilant to approach this Court for appointment of an arbitrator in the year 1983.

The learned counsel appearing for the appellants-petitioners submits that once the arbitrator had already been appointed in respect of the

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same property by the respondent-authorities, the learned Single Judge by adopting the principle of parity should have ordered for appointment of an arbitrator even in the case of the appellants. It is submitted that denial of appointment of an arbitrator in the case of the appellants amounts to violation of their fundamental rights under Article 14 of the Constitution.

We have heard learned counsel for the parties at length.

We also find that enumeration of dates and facts by the learned Single Judge is admitted and not disputed. Admittedly the appellants approached the respondents-authorities for appointment of an arbitrator after delay of 29 years. As they did not choose to approach this Court along with the other claimant/land owner, who had filed a writ petition for appointment of an arbitrator in the year 1983, they are not entitled to relief on the ground of parity due to delay on their part in view of the law laid down by the Supreme Court in ***New Delhi Municipal Council vs. Pan Singh and others, (2007) 9 SCC 278,*** and ***S.S. Balu and another vs. State of Kerala and other, (2009) 2 SCC 479.*** Even otherwise, the provisions of the Act of 1952 and the Rules framed thereunder provide that a person aggrieved by the quantum of compensation is required to approach the authority within 15 days from the date of offer of compensation for appointment of an arbitrator, which has admittedly not been done by the appellants.

In view of the aforesaid admitted and undisputed facts, we do not find any illegality or perversity in the impugned order passed by the learned Single Judge. The learned Single Judge has rightly dismissed the writ petition on the ground of delay and laches.

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As a result of the aforesaid facts, no interference is warranted. For both these appeals arise out of a common judgment and order passed by the learned Single Judge, these are, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

January 06, 2020
vkd

(Arun Palli)
Judge

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

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