

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

**CWP No.11790 of 2015
Date of decision: 29.5.2015**

Darshan Singh

.....Petitioner

Vs.

Punjab State Power Corporation Limited

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. By way of present petition filed under Articles 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to pay compensation at the prevailing market rate for acquiring his land measuring 4 kanal 10 marlas situated at Village Bhool Chack, Hadbast No.223, Tehsil and District Pathankot.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. In the year 1965, the

Punjab State Electricity Board (PSEB) acquired a large chunk of land at Village Bhool Chack, District Pathankot for the construction of a Power House. Originally, land of the petitioner measuring 4 kanals 10 marlas comprised in Khasra No.16R/6/1/1(0-5), 17R/10/2(4-5) Khewat No.45, Khatoni No.68 situated at Village Bhool Chack, Hadbast No.223, Tehsil and District Pathankot was also part and parcel of the land to be acquired by the PSEB but later on this very land was left out of the acquisition scheme. Subsequently, this land being adjacent to the acquired land was also taken into possession by the PSEB. When the petitioner came to know about this fact, he filed a civil suit for mandatory injunction against the respondents which was dismissed vide judgment and decree dated 28.11.2014 on the ground of limitation. According to the petitioner, he is still entitled for the compensation of the land. He filed a written representation to the respondents in this regard. Having received no response, he filed the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. The petitioner has sought to raise grievance in respect of act of the respondent for which the cause of action, if any, had arisen in the year 1965. The present petition has been filed in the year 2015 after an inordinately long period of five decades. According to the petitioner, the possession of the land had been taken by the respondent in the year 1965 without legally acquiring the same. The petitioner or their predecessors-in-interest had remained silent for such a long period to claim now that no compensation had been paid for the said land. Even the civil suit for mandatory injunction filed by the petitioner for similar relief has been dismissed by the Civil Court vide judgment and decree dated 28.11.2014

(Annexure P.1) wherein Issue Nos. 1 and 2 were decided against him.

5. In view of the above, finding no merit in the petition, the same is dismissed.

(Ajay Kumar Mittal)
Judge

May 29, 2015
'gs'

(Rekha Mittal)
Judge