

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

**CWP No.14246 of 2015
Date of decision: 17.7.2015**

Lal Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

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

Present: Mr. S.S.Dinarpur, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner prays for a direction to the respondents to either acquire his land as per the latest amended Land Acquisition Act and to award him compensation or to hand over the possession of the land in dispute to him and to award compensatory damages at the rate of ₹ 20,000/- per acre alongwith interest at the rate of 12% for use and occupation of the land from the date of taking possession by the respondents till the time of its realization. Further prayer has been made for directing the respondents to pay severance charges to the petitioner at the market rate on account of bifurcation of his land which has been rendered useless on account of construction of canal.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner since the time of his forefathers had been owner in possession of the land measuring 20 kanals 19 marlas situated within the revenue estate of Village Biyana

Hadbast No.48, Tehsil Indri, District Karnal. In the year 1972, the respondents acquired the said land for a public purpose i.e. for construction of augmentation canal. The possession was taken by the respondents in the same year. The augmentation canal on the said land has also been constructed. According to the petitioner, though possession had already been taken by the respondents but till date neither any compensation has been given nor any satisfactory reply has been furnished by the respondents to him. On account of construction of canal by the respondents, the remaining land of the petitioner has been bifurcated and has been rendered totally fragmented. The petitioner made various representations and even sought information under the Right to Information Act, 2005 but till date, no compensation has been given to him. Hence the instant writ petition with the prayers as mentioned above.

3. We have heard learned counsel for the petitioner.

4. According to the petitioner, the possession of the land was taken by the respondents in the year 1972. The present petition has been filed in the year 2015 after an inordinately long period of more than four decades. The possession of the land had been taken by the respondents in the year 1972 itself. The petitioner or his predecessors-in-interest had remained silent for such a long period to claim now that no compensation had been paid for the acquired land. In such a situation, claim of non-receipt of compensation sought to be agitated after more than four decades, shall cast the onus on the petitioner to prove that the compensation had not been paid to him. In the absence of any material to substantiate the averments made in the writ petition, we are not inclined to entertain the petition after such an inordinate delay.

5. In *Leelawanti and others vs. State of Haryana and others*, (2012) 1 SCC 66, in similar situation wherein also, land acquired in 1976 was sought to be returned by sending a legal notice in the year 1999, the Apex Court repelled the argument of the petitioners in view of the principles of delay and laches while upholding the judgment dated 21.1.2008, passed by a Division Bench of this Court in CWP No.9152 of 2007 titled *Leelawanti vs. State of Haryana*. The relevant observations on the issue of delay and laches are as under:-

“13. We have considered the respective submissions and examined the records. In our view, the High Court did not commit any error by not entertaining the appellants' challenge to the acquisition of land because they did not offer any explanation for the long time gap of more than three decades between the issue of notifications under sections 4 and 6 i.e. 1976 and filing of the writ petition i.e. 2007.”

6. In the present case, the petitioner after the expiry of more than four decades has made prayer based on the plea that no compensation has been paid to them without substantiating the same. A stale claim is sought to be raked up by way of present petition. In view of the above, the claim of petitioners could not be considered.

7. Accordingly, finding no merit in the petition, the same is dismissed.

(Ajay Kumar Mittal)
Judge

July 17, 2015
'gs'

(Rekha Mittal)
Judge