

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

CWP No.25764 of 2014 (O&M)

Date of decision: 6.4.2015

Jarnail Singh and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

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

Present: Ms. Gurpal Kaur Daulat, Advocate for the petitioners (as Legal
Aid Counsel).

Ajay Kumar Mittal,J.

1. Through the present petition filed under Articles 226/227 of the Constitution of India, the petitioners pray for issuance of a writ in the nature of mandamus directing the respondent State to give compensation to them for the land acquired, as promised.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioners were owners in possession of the land as shown in Jamabandi for the year 1977-78. The Punjab Government acquired land of the petitioners and assured to give compensation to them for the same. According to the petitioners, till date no compensation has been given to them. The petitioners approached respondent No.4 vide letter dated 14.9.2012, Annexure P.2 by filing an application through Mittpal Singh, GPA Holder. The Executive Engineer of Punjab Water Supply and Sewerage Division No.1, Bathinda gave reply to

the application vide letter dated 19.9.2012, Annexure P.3 that their office had record since the year 1977 and before that, Public Health Department was maintaining the record. It was also stated that there was no mention about the purchase of land from Public Health Department. The petitioners state that Basant Kaur widow of Hazura Singh son of Beer Singh and Jarnail Singh son of Hazura Singh son of Beer Singh executed their GPA on 4.4.2012, Annexure P.4 in the presence of witnesses and gave it to GPA Holder Mittpal Singh. Jarnail Singh executed an adoption deed on 27.1.2010, Annexure P.5 in which he stated that he adopted Deep Singh son of Mittpal Singh and Raj Kumari. A news was published in the newspaper Punjab Kesri dated 26.2.2013, Annexure P.8 wherein list of affected persons was published and it was also assured to give employment to them. This Court in CWP No.14771 of 2011(***Ravinder Kumar and others vs. State of Punjab and others***), passed an order dated 12.8.2011 directing the authorities to provide employment to the petitioners as per Rehabilitation and Resettlement Scheme dated 8.11.1993 within two months from the date of receipt of certified copy of the order. The appeal filed by the State Government before the Apex Court bearing SLP No.9521 of 2010 in another identical case titled ***State of Punjab and others vs. Dharam Singh and others*** was dismissed vide order 28.2.2011, Annexure P.9. Hence the instant petition by the petitioners.

3. We have heard learned counsel for the petitioners and perused the record.

4. The land was acquired more than three decades back. The present petition has been filed in the year 2014 after an inordinately long period of more than thirty five years. The possession of the land had been

taken by the respondents. The petitioners or their 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 thirty five years, shall cast the onus on the petitioners to prove that the compensation had not been paid to them. In the absence of any material to substantiate the averments made in the writ petition, we are not inclined to entertain the petition at this stage. Further, equally, the claim for resettlement by providing job to the heirs of the landowner cannot be accepted after the lapse of long period. Still further, the petition has been filed through Shri Mittpal Singh, General Power of Attorney holder. The learned counsel for the petitioners was unable to demonstrate that the GPA holder could sustain such a claim on behalf of the petitioners after the expiry of more than three decades. The bonafides in the case thus appear to be lacking. 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.

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

(Ajay Kumar Mittal)
Judge

April 06, 2015
'gs'

(Rekha Mittal)
Judge