

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.9803 of 2015

Date of Decision:-21.05.2015

Samadh Baba Bhagwan Gir Sahab through Amar Gir Chela.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Mamli, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is to direct the respondent to give compensation to the petitioners of their land which was declared surplus by the State Government.

Learned Counsel for the petitioner has argued that the petitioner is a Mohatamim of Samadh Baba Bhagwan Gir Sahab who had land measuring 1684 Kanals 19 Marlas in village Nigdhu and 698 Kanals 12 Marlas in village Pashtana, District Karnal. The said land of Samadh was declared surplus by the Government and the mutation was sanctioned in the name of Government vide order dated 3.5.1963 passed by SDO(Civil)-cum-Allotment Authority, Karnal. However, the mutation was changed on 26.6.2003 and it is on 5.4.2015 that the petitioner has approached the respondent to pay the compensation as per rules. Therefore, it was submitted that it is evident from the facts that land of the petitioner was

indeed declared surplus however, no compensation was given by the government and, thus the petitioner is entitled to compensation which should have been paid to him as per Haryana Ceiling on Land Holding Act, 1972.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

Admittedly the land was declared surplus and the order for changing the mutation in the name of Government was passed on 3.5.1963 which was in knowledge of the petitioner and at that point of time no application was moved as per rules before the Authorities concerned for grant of compensation. It is now, i.e on 5.4.2015 that the petitioner has moved a representation for the purpose of granting him compensation. There is a considerable delay of 52 years in approaching the Authorities concerned for redressal of their grievance, which cannot be condoned in the absence any reasonable explanation. The counsel has not been able to justify for not approaching the Authorities concerned earlier.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 21, 2015
Vinay