

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

CWP-16401-2016

Date of Decision: August 12, 2016

Satyajit Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Rakesh Gupta, Advocate
for the petitioners.

.....

SURYA KANT, J.

The land of the petitioners, situated in village Dhamomajra, Tehsil and District Patiala, is said to have been utilized by the Irrigation Department for construction of a canal, allegedly without any acquisition. As per averments made by the petitioners, the ownership of the land was changed in the revenue record in favour of Canal Department and entries to this effect were made in the *jamabandi* of 1965-66 onwards. It is obvious that it was in the knowledge of the petitioners/ their predecessors that the subject land stood transferred and its possession was also in favour of the Canal Department. They admittedly took no action for several decades and first time allegedly woke up in the year 2008 when they applied under the Right to Information Act, 2005, followed by a legal notice served on 27.11.2014.

What it appears from the averments is that the petitioners alleged expropriation of their property without any acquisition process. The averments are totally vague and evasive. Such a plea has been raised at this juncture when the records, in all probabilities, have been weeded out. Further, as per the legal notice, 'Compensation' is alleged to have not been paid. The fact remains that the petitioners for years together took no action and as on date even a declaratory suit may be barred by limitation.

For the same reasons, no reliance can be placed on **Tukaram Kana Joshi and others through Power of Attorney Holder vs M.I.D.C. and others**, 2013(1) SCC 353 as the factum of utilisation of land without acquisition is not established on record. The petitioners thus cannot straightway rush to this Court for holding a fishing enquiry as to whether or not their predecessors' land was acquired. They may approach the Land Acquisition Collector or other authorities for securing such information.

With liberty aforementioned, the writ petition is dismissed.

(SURYA KANT)
JUDGE

August 12, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No