

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19588 of 2016.

Date of Decision: December 09, 2016

Dharam Singh and others

.....Petitioners

versus

U.T. Chandigarh and others

.....Respondents

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

Present: Mr.P.C.Dhiman, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners have chosen to challenge the acquisition of their land which took place way back vide Award No.413 dated 05.01.1990, by way of the instant writ petition.

The acquisition has been obviously challenged after 26 years on the ground that the decision to acquire the land was taken by the then Advisor to the Administrator who was not the Competent Authority, as held by the Hon'ble Supreme Court in Surinder Singh Brar and others versus Union of India and others, 2013 (1) SCC 403. The second plea taken is that the acquired land is still lying vacant, namely, unutilized.

We have heard learned counsel for the petitioners and are of the considered view that no ground to entertain this writ petition is made out. The petitioners have admittedly received the compensation and possession of the acquired land was taken from them. It is the prerogative of the

authorities to utilize it immediately and/or to use it for a public purpose in phased manner. The fact that the land is lying vacant does not confer any right on the petitioners to question the acquisition at this belated stage. Similarly, the plea of acquisition having been done under the orders of incompetent Authority ought to have been raised by the petitioners within a reasonable time.

So far as the challenge to the acquisition on merits at this belated stage is concerned, we find that for the detailed reasons assigned in a separate order of even date passed in CWP No.22803 of 2015 (Vimla Devi and others versus U.T. Chandigarh and others), the instant writ petition cannot be entertained on merits and is liable to be dismissed on account of inordinate delay and laches.

Ordered accordingly.

[SURYA KANT]
JUDGE

December 09, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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