

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

CWP No. 1447 of 2000 (O&M)

Date of decision: 17.4.2017

Jaswant Singh

.. Petitioner

VS

Municipal Council, Patiala and another

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: None for the petitioner.

Mr. R. S. Modi, Advocate, for the respondents.

Rajesh Bindal, J.

In the present petition, the claim made by the petitioner is that the compensation for 125 square yards of land acquired by the respondents be paid to the petitioner. It is the pleaded case of the petitioner that he had purchased a plot measuring 300 square yards from Jodh Singh son of Rur Singh of village Dhanaula, District Sangrur, vide registered sale-deed dated 26.12.1983, which was acquired.

Stand of the respondents is that drawing was prepared by the Divisional Town Planner, Patiala, on 10.3.1983. The Municipal Council, Patiala, passed the resolution on 27.5.1983 and notification under Section 192 of the Punjab Municipal Act, 1911 (for short, 'the Act') was issued on 26.9.1983. Even the vendor of the petitioner, namely, Jodh Singh, was not shown as owner of any land, which was acquired. In any case, the petitioner could not be named as owner, as admittedly he had purchased the land from Jodh Singh vide registered sale-deed dated 26.12.1983, whereas notification under Section 192 of the Act was issued on 26.9.1983.

More than 12 years after the issuance of notification, the petitioner filed a suit for injunction, which was dismissed as withdrawn. Thereafter, the writ petition was filed, which is highly belated.

When the case was taken up for hearing, none appeared for the petitioner.

Considering the stand taken by the respondents where the petitioner was not recorded as owner of the land at the time of issuance of notification under Section 192 of the Act and further even the vendor of the petitioner, namely, Jodh Singh son of Rur Singh, from whom the petitioner allegedly purchased the land, was not recorded as owner, whose land was acquired, prima facie, we do not find any merit in the present petition, however, as no one has appeared for the petitioner, the petition is dismissed for non-prosecution.

(Rajesh Bindal)
Judge

17.4.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No