

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

CWP No. 16239 of 2006 (O&M)

Date of Decision: 22.05.2017

Harbans Singh and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. R.K. Girdhar, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG Punjab.

RAJESH BINDAL,J.

1. The petitioners have filed the present petition claiming that the land owned by them was utilized by State for construction of Dodanwali Link Drain in Tehsil and District Muktsar. The possession was taken way back in the year 1981. However, the compensation has not been paid. The petitioners cannot be deprived of their right to receive compensation once their land has been utilized by the State.

2. In reply, the stand taken by the respondents is that the area where the drain was constructed, was water logged and the land owners had voluntarily offered the land which was of no use and value for them, for construction of drain, so that other part of their land is made cultivable. Now after more than 25 years, the petitioners cannot be permitted to raise the issue regarding payment of compensation.

3. After hearing learned counsel for the parties, we do not find any reason to interfere in the present petition.

4. The issue regarding claim of compensation for utilization of land by the State, decades prior to the filing of petition, came up for consideration before a Division Bench judgment of this Court in CWP NO. 26060 of 2015 titled as "Azad Singh Versus State of Haryana and others". While relying upon the judgment of Hon'ble the Supreme Court in "State of Maharashtra Vs. Digambar", AIR 1995 SC 1991 and an earlier judgment of Division Bench of this Court in CWP No. 4790 of 2015, "Dharambir and others Vs. State of Haryana and others", decided on 3.9.2015, it was opined that the issue cannot be raised after such a long delay.

For the reasons mentioned in Azad Singh's case (supra), we do not find any merit in the present petition and the same is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

22.05.2017
reema

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No