

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

CWP No. 18774 of 2008 (O&M)

Date of decision: 26.5.2017

Jasmer Singh and others

.. Petitioners

VS

State of Punjab and others

.. Respondents

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

Present: Mr. Rajesh Kumar Girdhar, Advocate, for the petitioners.
Ms. Harleen Kaur, Assistant Advocate General, Punjab.

Rajesh Bindal, J.

The petitioners have approached this Court seeking a direction to the respondents to acquire the land owned by the petitioners which was utilized by the State for the purpose of drainage system.

The stand taken by the respondents in the written statement is that the drain was constructed way back in the year 1974 on the request of the villagers, as the entire land in the area was in extremely mushy/slushy condition. The object was to drain out the seepage water and the rain water to make the land useful. It is in existence for more than 40 years before the writ petition was filed.

The issue, as to whether after such a delay a petition can be entertained directing the State to acquire land and pay compensation, was considered by a Division Bench of this Court in CWP No. 26060 of 2015 Azad Singh vs State of Haryana and others, decided on 27.4.2017, wherein while referring to judgment of Hon'ble the Supreme Court in State of

Maharastra vs Digambar AIR 1995 SC 1991 and Division Bench judgment 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 a petition filed after such a huge delay seeking compensation is not maintainable. In the matter before Hon'ble the Supreme Court in Digambar's case (supra), even delay of 20 years was found to be fatal. In the case in hand, the period is much more than that.

For the reasons stated in Azad Singh's case (supra), we do not find any merit in the present petition. Accordingly, the writ petition is dismissed.

(Rajesh Bindal)
Judge

26.5.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No