

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

CWP No. 26567 of 2013 (O&M)

Date of decision: 2.6.2017

Gulab Singh and another

.. Petitioners

VS

State of Punjab and others

.. Respondents

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

Present: Mr. Vishal Mittal, Advocate, for the petitioners.
Mr. Sandeep Kumar Bansal, Asstt. Advocate General, Punjab.

Rajesh Bindal, J.

The petitioners have approached this Court seeking a direction to the respondents to pay compensation for using their land for construction of Muktsar Town Outfall Drain without acquisition thereof.

It is admitted case of the petitioners that the possession of the land was taken about 48 years prior to filing of the application. For the first time, they had taken up the matter, as is evident from Annexure P-3, placed on record, 25 years after the possession was allegedly taken by the authorities.

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 writ petition. The same is accordingly dismissed.

(Rajesh Bindal)
Judge

2.6.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No