

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25131-2017

Date of Decision: November 06, 2017

Bahadur Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Gurnam Singh, Advocate with
Mr.V.P.Singh, Advocate for the petitioners.

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SURYA KANT, J.

The petitioners are residents of village Bhama Kalan, Tehsil and District Ludhiana. They have laid challenge to the order dated 30.05.2012 (Annexure P-11) passed by the Director, Rural Development and Panchayat Department, Punjab, in purported exercise of his power under Section 11(2) of the Punjab Village Common Lands (Regulation) Act, 1961. Vide the above-stated order the appeal filed by the Gram Panchayat against the Collector's order dated 01.02.2005 was allowed and it was held that the land in dispute vests in the Gram Panchayat and the petitioners have no right whatsoever as they had admittedly taken the land on lease for a period of ten years from 1962-1972 and thereafter failed to hand over the possession to the Gram Panchayat and, thus, on expiry of lease period, their possession

was of unauthorised in nature.

[2] We have heard learned counsel for the petitioners.

[3] In our considered view the writ petition is liable to be dismissed on the ground of inordinate and unexplained delay and laches. The impugned order was passed on 30.05.2012. The petitioners have chosen to challenge the same after a period of five years. There is no satisfactory explanation as to what prevented the petitioners to approach the Court within a reasonable time. It is not a case where the petitioners are suffering from any social or economic disability. They claim themselves to be the proprietors of the village and have sufficient means to engage counsel and initiate the proceedings within a reasonable time. In any case, if the petitioners were financially incapacitated to challenge the impugned order, nothing prevented them to avail legal aid. In this view of the matter, we decline to entertain the writ petition at this stage

[4] Dismissed.

(SURYA KANT)
JUDGE

November 06, 2017
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(SUDHIR MITTAL)
JUDGE

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No