

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

CWP No. 4814 of 2015 (O&M)

Date of decision: 7.7.2017

Nasib 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. Naresh Kaushal, Advocate, for the petitioners.

Ms. Anju Arora, Additional 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 has been occupied by the State for the last more than 50 years.

The land in the case in hand was utilized for construction of a road.

The stand taken by the respondents in the reply is that the road was constructed more than 50 years ago on voluntary donation / gift of the land given by the predecessors-in-interest of the petitioners for development in the area.

As more than 5 decades were passed, record pertaining to that time is not available now. The road was constructed, repaired, strengthened, widened from time to time in the last 50 years but no issue was ever raised by the petitioners or any other landowners whose land may have allegedly been taken for the purpose. As entire road has not been constructed only in

the land owned by the petitioners, no other landowners have ever raised any issue.

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

7.7.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No