

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

C.W.P.No.14324 of 2018 (O&M)
Date of Decision: August 02, 2018

Rakesh Sharma & others

...Petitioners

Versus

State of Haryana & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. M.L. Sharma, Advocate &
Ms. Meenakshi Sharma, Advocate,
for the petitioners.

AMIT RAWAL, J.

The petitioners have filed the present writ petition in the year 2018 on the premise that award in respect of the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, the Act) had been pronounced on 04.08.2010. In essence, there is delay of eight years and few months in filing the writ petition.

This Court, vide order dated 31.05.2018, directed the petitioners to explain the inordinate delay in approaching the Court. Vide Misc. Application No.10890 of 2018 accompanied by an affidavit, it has been averred that award was pronounced without issuing notice to the petitioners under Sections 9 and 11 nor any notice under Section 12(2) of the Act was ever issued. The mother of petitioner Nos.1 and 3 and mother-in-law of petitioner Nos.2 and 4 expired on 12.12.2014 and the knowledge

of the aforementioned acquisition proceedings came to the notice when the officials of the respondents came to the spot for taking forcible possession. On enquiry came to know that the notifications were issued in the years 1980 and 1982 and the award was pronounced in 2010 and, therefore, the notifications had lost its applicability. In such circumstances, delay of eight years and few months cannot be said to be fatal. The petitioners are well educated.

We are of the view that the explanation of delay is not rule of law but rule of practice based on sound and proper exercise, which must depend upon the facts of each case. The alleged breach of aforementioned rights in the present case, as noticed above, cannot come to the aid of the petitioners as ignorance of law is not a bliss. Though strict principle of Limitation Act does not apply to the writ proceedings, but the present case squarely falls within the doctrine akin to delay and laches as no reasonable explanation has been given in seeking vindication of the grievance as late as noticed above. The reason given in the application is, thus, bereft of the explanation to over come the hurdle of delay.

Resultantly, the writ petition is dismissed.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

August 02, 2018
ramesh

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No