

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

**CWP No.17650 of 2018
Date of Decision:05.09.2018**

Mangat Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Sunil Agnihotri, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The challenge to the partition proceedings and the final order dated 03.05.2013 (Annexure P-4) of the Financial Commissioner, Punjab has been made under the present writ petition filed under Article 226/227 of the Constitution of India.

A period of more than 5 years has since expired as such since the order was passed. A perusal of the said order would go on to show that even possession has been delivered and the petitioner had also sold some land measuring 5 kanals 7 marlas.

The argument raised by the counsel that the partition has not been done as per the mode of partition, is irrelevant at this point of time since this Court is dismissing the writ petition on the ground of limitation. Though the Writ Court is not prescribed by the period as such to exercise its extra ordinary jurisdiction but even if, the period of 3 years is taken for filing the writ petition from the cause of action then such period has also expired. The law of limitation bars the remedy as such as rights of other party are involved. It is not open for litigant to come to

this Court at any point of time according to his own whims and fancies to open the dispute which has already been settled on passage of time and in such case, the possession already stands delivered. Re-opening of the said litigation at the instance of the present petitioner who has slept over his rights would have adverse effects on the interest of other 16 private respondents. In such circumstances, this Court is not inclined to reopen the issue at the hands of the present petitioner who himself choose not to take up the proceedings in a earnest manner promptly.

Accordingly, there is no merit in the present writ petition and the same is dismissed in limine.

05.09.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No