

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

**CWP No. 20807 of 2018**  
**Date of decision: 20.08.2018**

Subhash and another

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Manish Kumar Singla, Advocate,  
for the petitioners.

**G.S.SANDHAWALIA, J. (Oral)**

The claim in the present writ petition is for reverting the land measuring 26 kanals 4 marlas to the petitioners and to take a decision on the application dated 25.06.2018 (Annexure P-13).

A perusal of the application would go on to show that admittedly the land of the petitioners was acquired on 16.02.1960 from the grand father of the applicants namely Girdhari Lal. It is now the case that compensation of the acquired land has not been given nor the acquired land has been used for the purpose it was acquired. A period of almost 60 years has passed by since the petitioners had lost the possession of the land in question by following a procedure prescribed as per law under the Land Acquisition Act, 1894.

Nothing has been brought on record to show that the grand father had, at any point of time, protested against the non-payment of compensation. The argument which is raised that the compensation has not been paid and the land is not being utilized for the purpose it was acquired as such is not sufficient to condone the inordinate delay of the period mentioned above. Once the petitioners' predecessor-in-interest had chosen not to litigate qua any illegal acts of the State for this long period, it does not lie in the hands of the petitioners to start contending that they have been approaching the Authorities on account of the non-payment of compensation.

The law of limitation does not permit that a party who sleeps over its rights can at any point of time wake up and start agitating for their rights as such. Reliance can be placed upon judgment of the Apex Court in

***Pundlik Jalam Patil (D) by LRs Vs. Ex. Eng. Jalgaon Medium Project and Ors, 2009(1) RCR 128*** wherein, it has been held that the law is for the vigilant and not for those who sleep over their rights. The relevant portion reads thus:-

*“14.....The applicant having set the machinery in motion cannot abandon it to resume it after number of years because the authority with whom it had entered into correspondence did not heed to its request to file appeals. The question is : Can the respondent/applicant in this case take advantage of its negligence, after lapse of number of years, of the decision of Government? It knew the exact grounds on which appeals could have been preferred. The law will presume that it knew of its right to file appeal against the award. Everybody is presumed to know law. It was its duty to prefer appeals before the court for consideration which it did not. There is no explanation forthcoming in this regard. The evidence on record suggest neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and 'do not slumber over their rights.'*

xxx                      xxx                      xxx                      xxx                      xxx

18. Shri Mohta, learned senior counsel relying on the decision of this court in *N. Balakrishnan vs. M. Krishnamurthy* [(1998) 7 SCC 123] submitted that length of delay is no matter, acceptability of explanation is the only criterion. It was submitted that if the explanation offered does not smack of mala fides or it is not put forth as part of dilatory tactics the court must show utmost consideration to the suitor. The very said decision upon which reliance has been placed holds that the law of limitation fixes a life span for every legal remedy for the redress of the legal injury

*suffered. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of Limitation is thus founded on public policy. The decision does not lay down that a lethargic litigant can leisurely choose his own time in preferring appeal or application as the case may be. On the other hand, in the said judgment it is said that court should not forget the opposite party altogether. It is observed: It is enshrined in the maxim interest reipublicae ut sit finis litium ( it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.”*

Once admittedly the award was passed in the year 1960 and under Section 16 of the Land Acquisition Act, 1894, there is a presumption that the Government becomes the owner of the land in whom the land vests. It was for the land owners to withdraw the amount which was deposited from the Collector in accordance with law. At this stage, to ask for the release of the land which was acquired in the year 1960, is not tenable in the facts and circumstances of the case.

Accordingly, the writ petition stands dismissed in limine.

20.08.2018  
shivani

(G.S. SANDHAWALIA)  
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No