

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

RSA No.4889 of 2015 (O&M)

Date of decision:04.12.2018

Mohan Singh

Vs.

... Appellant

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ashok Kumar Khubbar, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff was not successful before both the Courts below in claiming the compensation in respect of land measuring 2 kanals 6 marlas situated in village Dhanaoura, Tehsil and District Ambala and as well as declaration qua ownership.

It was alleged that the department in the year 1979 had taken the piece of land for the purpose of construction of bandh but in the absence of any acquisition proceedings, there was violation of provisions of Articles 300 and 300A of the Constitution of India.

Mr. Ashok Kumar Khubbar, learned counsel appearing on behalf of the appellant-plaintiff submitted that though the defendants did not deny the ownership of the plaintiff but the suit filed in the year 2007 was rejected on the ground of delay and laches, beyond limitation. There is no limitation for claiming the title. The delay of 1057 days in filing the

appeal was on account of loss of file in the office of Advocate and the appeal after re-construction, was filed in February, 2015 which cannot be said to be intentional and willful.

I am afraid the aforementioned arguments are not sustainable, for, even as per the provisions of Section 18 of Erstwhile Act, i.e., Land Acquisition Act, 1894, the period of limitation has been provided for filing the reference. No explanation has come forth as to why the plaintiff remained silent for so many years, though the bandh was constructed in the year 1956. The suit was filed after almost 50 years. In all the probabilities, the appellant-plaintiff acquiesced the aforementioned fact and chose to file the suit probably due to increase in the price of the land in the vicinity. The explanation given in the application for condonation of delay is bereft of the reasonable cause in not filing the appeal within time.

The appeal is dismissed on the ground of delay as well as on merits.

(AMIT RAWAL)
JUDGE

December 04, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No