

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

CWP No.6214 of 2019

Date of Decision:-08.03.2019

Satinder Singh & Ors.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present:- Dr. Surya Parkash, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Twenty (20) petitioners have instituted the present writ petition, challenging the mutation no.301 dated 06.10.1955 (**P-1**); mutation no.509 dated 31.03.1976 (**P-2**); Mutation No.776 dated 10.04.1991 (**P-3**); Mutation 987 dated 28.03.1992 (**P-4**); mutation dated 18.12.1992 (**P-5**); and mutation dated 16.03.1998 (**P-6**) on the ground that same are illegal, arbitrary and against the Five Judge judgment of this Court in **Suraj Bhan &Ors. Vs. State of Haryana & Ors. 2017(2) RCR (Civil) 934.**

It is the grievance of the petitioners that their predecessors in interest were the proprietors of Village Bhankari situated within District Faridabad and the land measuring 702 *Bighas* 13 Biswas belonged to proprietors of the said village as the entry was in the name of “*Shamlat Deh Hasab Jain Thok Lagde* (1 Share), *Thok Andhe* (2 Share)”. However,

without awarding any compensation to them, the property was mutated in favour of “*Pachayat Deh*” vide impugned mutation no.301 dated 06.10.1955 (P-1) and thereafter in favour of various entities of the State which stand impugned in the instant writ petition.

It is submitted by the counsel for the petitioners that since the land came within the Municipal Corporation, Faridabad, therefore, they were entitled to receive compensation qua their acquired share in view of the Five Judge Bench judgment passed by this Court in Suraj Bhan's case (*supra*).

We have heard learned Counsel for the petitioners and perused the paper book with his able assistance. However, we are of the view that the instant writ petition is liable to be dismissed, being without any merit.

Admittedly, mutation of 702 Bighas 13 Biswas of land was sanctioned in favour of “Panchayat Deh” vide mutation no.301 dated 06.10.1955, which was duly accepted by the then proprietors of the village and never put to challenge ever. Furthermore, the property thereafter stood transferred in favour of different entities of State at different points of time and still no question was raised regarding the said action. It is only when the Five Judges Bench of this Court in Suraj Bhan's case has interpreted the law in favour of the landowners that they have approached this Court claiming compensation. However, we are afraid that the said Full Bench, even if it is held to be applicable to the facts of the case, although we have our doubts, cannot come to their rescue. Clearly their time barred claim cannot be entertained at this stage when more than 63 years have passed since the first transfer. Furthermore, it is settled position of law that whenever a statute is interpreted by the Courts, its benefit/implementation is

prospective and not retrospective. It seems the law was settled to scuttle unscrupulous claims like the instant one.

Consequently, finding no merit in the instant writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

March 08, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>