

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

**Civil Writ Petition No. 5744 of 2021 (O&M)
Date of Decision: 12.03.2021**

Suresh Kumar, Ambala City, Haryana

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Sudhir Kumar Pandey, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, Deputy Advocate General, Haryana.

JASWANT SINGH, J.

Petitioner – Suresh Kumar has filed the present writ petition seeking a writ in the nature of *Mandamus* to direct the Chief Administrator, Housing Board, Haryana – respondent No. 2, for releasing his land i.e plot No. 23 measuring 202 Square Yards in Ashoka Nagar near Amba Vihar, Village Patti, Mehar in rectangle/Killa No. 16, Tehsil and District Ambala.

Heard learned counsel for the petitioner at length and scrutinized the paperbook.

It is apparent from the record that petitioner is claiming release of his land on the ground that adjoining land on both sides has been released vide Memo No. LAO (P)-2007/1038 dated 25.10.2007 submitted by State before this Court in CWP No. 6279 of 2009. It is his claim that once the adjoining lands have been released, the land of petitioner ought to have been released as well.

However, we are unable to agree with the contentions of petitioner as admittedly, he had bought land on 21.07.2005 i.e after issuance of Notifications under Sections 4 and 6 of Land Acquisition Act which were notified on 17.02.2004 (**Annexure P-1**) and 15.02.2005 (**Annexure P-2**) respectively. It is further not disputed that neither the petitioner nor his predecessor-in-interest had ever raised any claim for release of land. It were his neighbours who got their land released by agitating their rights before this Court immediately after Notifications under Sections 4 and 6 were issued. Thus, it is evident that petitioner is a fence sitter who chose to sit over his rights and permitted the acquisition to attain finality *qua* him. Now after more than fifteen (15) years of acquisition, we cannot permit the petitioner to turn the clock back and revive a stale claim which is hopelessly barred by limitation.

In view of the above, finding no merit, the present writ **petition** is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

March 12, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No