

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

(106)

LPA-574-2022 (O&M)
Date of Decision:-29.08.2022.

Rajinder Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. D.P.S. Randhawa, Advocate for the appellant.

AUGUSTINE GEORGE MASIH, J. (Oral)

CM-1625-LPA-2022

This is an application for placing on record copy of order dated 30.08.2013 passed in CWP-6185-2013 as Annexure P-4 and Copy of order dated 30.08.2013 passed in CWP-9250-2013 (Annexure P-5) and for exemption from filing the certified and true typed copies of the same.

For the reasons mentioned in the application, the same is allowed. Annexures P-4 and P-5 are taken on record subject to all just exceptions. Exemption is also granted as prayed for.

CM-1297-LPA-2022

Prayer in this application is for condonation of delay of 30 days in filing the appeal.

For the reasons mentioned in the application which is supported by the affidavit of the appellant, the same is allowed and delay of 30 days is condoned.

LPA-574-2022 (O&M)

CM-1298-LPA-2022

Prayer made in this application is for exemption from filing certified as well as true typed copy of impugned order dated 12.05.2022 passed by the learned Single Judge, copy of petition, as well as the annexures attached with the writ petition.

For the reasons mentioned in the application, the same is allowed and exemption is granted as prayed for.

LPA-574-2022

Challenge in this appeal is to the order dated 12.05.2022 passed by the learned Single Judge whereby the writ petition preferred by the appellant assailing the Award dated 01.12.2014 passed by the President, Land Acquisition Tribunal, Faridkot, under the Punjab Town Improvement Act, 1922 has been rejected on the ground of unexplained and inordinate delay of 7 ½ years.

Learned counsel for the appellant has asserted that the amount of compensation which has been awarded by the Tribunal is very less. He asserted that as per the records, entitlement should have been assessed at a much higher rate. Contention has been raised that the poor farmer has not only lost his land but is also losing upon the value of land to which he is entitled. His contention is that earlier the petitioner along with others have preferred writ petitions in this Court whereby directions have been issued by this Court to the Tribunal setting aside the award which had earlier been passed remanding the case for fresh decision permitting taking of additional pleas and producing of fresh evidence. He asserts that on that basis, the appellants would be entitled to the relief as has been claimed in the writ

LPA-574-2022 (O&M)

petition.

Having considered the submissions made by counsel for the appellant, we do not find ourselves in a position to accept the contentions as have been raised by the learned counsel for the appellant for the reasons that there has been no explanation whatsoever for the inordinate and unexplained delay of 7 ½ years in approaching the Court after the passing of the Award on 01.12.2014. It is not a case where a plea could be taken that the appellant was not aware of the remedy available to him, as he had already preferred a writ petition and availed of the benefit also. Nor is it a case where it can be said that the appellant did not know about the passing of the Award, as it is an admitted position that the amount of compensation was less which has also been taken by him.

In the light of the above, we do not find any ground for interference in the present appeal where the challenge is to the order passed by the learned Single Judge.

The present appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

August 29, 2022.

sandeep

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No