

**224-2IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-9597-2015 (O&M)

Date of decision: 01.06.2022

Hardayal Singh @ Dayal Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mohd. Yousaf, Advocate for the petitioner
Mr. Nikhil Chopra, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioners pray for issuance of a writ in the nature of Certiorari to quash the order dated 26.03.2015 passed by the officials of the State of Punjab. In substance, the petitioners claim that possession of some part of their land has been taken away by the State of Punjab without payment of compensation. The first writ petition filed by the petitioners was disposed of with the following order:-

“The petitioners state that they will be satisfied if the notice, which is given is ordered to be acknowledged and responded to. Any inaction on their part will not give rise to an action for contempt to come to this court with complaint. The petitioners' remedy shall be only by means of a civil suit if there is no proper response from the respondents.

2. The writ petition is disposed of.”

The Letters Patent Appeal filed by the petitioners was disposed of with the following order:-

“It was stated on behalf of the petitioners (appellants herein) before the learned Single Judge that they would be satisfied if the notice which is given is ordered to be acknowledged and responded to. The notice that is already referred to is already

annexed as Annexure P-4. It is not necessary to seek further acknowledgement thereof by the respondents. The respondents agree to respond to the same on or before 31.3.2015.

The appeal is accordingly disposed of.”

While replying to the notice, Executive Engineer, Central Works, Division No.3, B&R Branch, Ludhiana, has passed an order claiming that the PWD Department is in possession of the aforesaid land since 1951-52 as it was utilized for laying road from Ludhiana to Sangrur. This writ petition has been filed in the year 2015. There is no sufficient explanation for delay of around 65 years.

Learned counsel relies upon the judgment passed in **CWP-11706-2008** titled as '**Paramjit Singh alias Mange Ram vs. State of Haryana and others**' decided on 17.12.2008. On a careful reading of the same, it is evident that the aforesaid judgment has been delivered in the facts of the case and the learned counsel representing the petitioners has failed to draw attention to any ratio decidendi on the question of delay in the aforesaid judgment.

In view thereof, the petitioners, if so advised, may seek his appropriate remedy.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

01.06.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE