

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

CWP-3149-2022 (O&M)

Date of decision: 18.02.2022

Pargat Singh and others

...Petitioners

Versus

The Additional District Judge, Patiala and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Tushant Deep Garg, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioners pray for quashing of the order passed by the Additional District Judge, Patiala, dated 09.02.2018, while deciding the case referred to it under Section 3H(4) of the National Highways Act, 1956. The Principal Civil Court, on the basis of the evidence, has held that various parties are co-owners and therefore, they are entitled to the apportionment of the compensation, as per their share in the joint land.

Learned counsel representing the petitioners contends that the acquired land is not an agricultural land and therefore, the judgment passed by the Principal Civil Court is erroneous. It may be noted here that as per the revenue record, there are various co-owners in the acquired land. The land is comprised in a joint khata. Hence, there is no reason to interfere in the order passed by the Principal Civil Court. It may be noted here that this Bench has not opined anything about the maintainability of the writ petition against the order passed by the Civil Court.

The petitioners have also not impleaded remaining co-owners. Therefore, the writ petition is bad for the non-joinder of parties. Furthermore, the writ petition has been filed after a period of 4 years. There is an unexplained delay and laches, therefore, also the writ petition is liable to be dismissed.

Hence, dismissed.

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

18.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE