

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 24757 of 2022

Date of Decision: 28.10.2022

Sandeep Kumar and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ketan Antil, Advocate
for the petitioner(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. The petitioners pray for issuance of a writ of mandamus to direct the respondent No.2(Land Acquisition Collector) to refer the petition filed under Section 30 and 31 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) to the Court.

2. As per the case of the petitioners, a notification under Section 4 of the 1894 Act was issued on 17.05.1990. The Land Acquisition Collector announced the award on 12.05.1993. The petitioners claim that their predecessor-in-interest, namely late Sh. Hoshiara was in cultivating possession of the land.

3. The learned counsel representing the petitioners admits that some amount of compensation for the acquired land was paid to late Sh.Hoshiara. Thereafter, the petitioners never agitated the matter until now.

On an application filed by the owner of the land in question, the matter was

referred to the Court under Section 18 of the 1894 Act. The Reference Court passed the award on 06.08.2004. Still, the petitioners did not file any application. The petitioners are stated to have filed an application on 15.04.2013 under Section 30 and 31 of the 1864 Act. Thereafter, again, the petitioners slept over the matter. It has been stated that in the regular first appeal, the market value of the acquired land has been enhanced. The petitioners claim apportionment only on the ground that their predecessor-in-interest was in cultivating possession of the land.

4. It is evident that this writ petition suffers from unexplained delay and laches. Even if the residuary Article 137 in the Schedule appended to the Limitation Act, 1963, is applicable, the maximum period prescribed for filing an application is three years from the date on which the cause of action accrues. In the present case, the petitioners did not file an application under Section 30 or 31 of the 1894 Act in the prescribed time from the award of the Land Acquisition Collector dated 12.05.1993. When the matter was pending before the Reference Court, they did not apply for apportionment.

5. Keeping in view the aforesaid facts, this Court does not find it appropriate to entertain this writ petition on the ground of delay and laches. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

October 28, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No