

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6449 of 2021(O&M)
Date of decision: 15.03.2023

Lakhwinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanav Bansal, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl. A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of mandamus to direct the respondents to appoint him in the government service pursuant to a policy decision taken by it on 08.11.2011 in order to rehabilitate the oustee-landowners, who stood displaced on account of involuntary acquisition of the land.

2. The preliminary notification under Section 4 of the Land Acquisition Act, 1894 was issued in October, 2010, whereas, the award under Section 11-A of the Land Acquisition Act, 1894 was passed on 25.03.2011. The petitioner, for the first time, sent a notice on 02.07.2020 seeking appointment.

3. The learned counsel representing the petitioner submits that the respondents were required to issue Land Acquisition Certificate and in the absence thereof the application could not be submitted. He further submits that the cut off date which was 31.03.2013 has already been held to be

illegal.

4. This court has considered the submissions of the learned counsel representing the petitioner.

5. The purpose of such policy is to immediately rehabilitate a member of the family, who suffer on account of involuntary acquisition of the land. Such purpose stands frustrated if the applications are entertained after a passage of more than 9 years. Even if the Land Acquisition Certificate was necessary, it was incumbent on the petitioner to approach the court. After sleeping over the matter for more than 9 years, the petitioner has invoked the extra ordinary writ jurisdiction of this court.

6. In a recent judgment passed in *Surjit Singh Sahni vs. State of U.P. and others, Special Leave Petition (Civil) No.3008 of 2022*, the Supreme Court has held that if the policy makes a provision for appointment, the same is required to be claimed forthwith. It is evident that the writ petition suffers from unexplained delay and latches as it has been filed after a period of more than 9 years. If the petitioners were to file a civil suit, the same would, probably, have been dismissed on the ground of limitation.

7. In these circumstance, it is not found appropriate to exercise the extra ordinary jurisdiction.

8. Dismissed.

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

March 15, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*