

**CM-58-LPA-2023 and
CM-2835-LPA-2022 in/and
LPA-1169-2022**

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

**CM-58-LPA-2023 and
CM-2835-LPA-2022 in/and
LPA-1169-2022
Date of Decision: 10.01.2023**

Amrik Singh and another

.....Appellants

Vs.

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

**Present: Mr. R.S. Dhaliwal, Advocate,
for the applicants-appellants.**

G.S.SANDHAWALIA, J. (ORAL)

CM-2835-LPA-2022

Notice in the application for condonation of delay of 83 days
in filing the appeal.

Keeping in view the averments made in the application which
is also duly supported by an affidavit of the applicants-appellants, the
application is allowed and the delay of 83 days in filing the accompanying
appeal is hereby condoned.

CM-58-LPA-2023

This application has been filed for placing on record the copy
of the applications bearing CM-15966-CWP-2022 and CM-15969-CWP-
2022, i.e. applications for condoning the delay of 29 days in filing the
application for recalling the order of the learned Single Judge dated,

03.08.2022, as also the application for recalling the order dated 03.08.2022 itself, as Annexures A-3 and A-4, respectively.

The application is allowed subject to all just exceptions and the copies of the aforesaid applications are ordered to be taken on record as Annexures A-3 and A-4 with the accompanying appeal.

LPA-1169-2022

The present Letter Patent Appeal as such has been preferred against the order of the learned Single Judge dated 03.08.2022, whereby the writ petition was dismissed for want of prosecution. Thereafter, the application for recalling that order was also dismissed on 14.10.2022, on the ground that no valid ground exists either for condoning the delay or for restoring the main case.

Learned counsel for the appellants has tried to convince that on account of the illness of the arguing counsel, he could not put an appearance. The application is also supported by an affidavit of the counsel himself.

In our considered opinion, there is a sufficient cause for restoring the writ petition on that ground alone. However, another aspect remains which learned Single Judge has also noticed that the writ petition was barred by delay and laches. For this, even counsel appearing for the appellants can have no plausible reason since the last order under challenge passed by the authorities was dated 01.06.2018 (Annexure P-10). The writ petition was only prepared in 31.08.2021 and filed thereafter. The learned Single Judge noticed that it was listed for the first

time on 15.09.2021. Thus, it is apparent that the period of more than 03 years had passed by since the final order dated 01.06.2018 (Annexure P-10) had been passed. The dispute as such is regarding the change of watercourse and apparently, the appellants chose not to agitate for their grievance and were satisfied for a long period of 03 years with the irrigation facilities as ordered by the authorities.

In such circumstances, we are of the considered opinion that for the reasons also recorded by the learned Single Judge while dismissing the writ petition for non-prosecution, the writ petition itself is liable to be dismissed on delay and laches as it is settled principles that the said order could not even have been challenged before the Civil Court and it could only have been done within a period of 03 years.

In view of the above, we do not find any ground as such to entertain the appeal.

Resultantly, there is no merit in the present appeal and the same is hereby dismissed.

**(G.S. SANDHAWALIA)
JUDGE**

January 10, 2023
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**(HARPREET KAUR JEEWAN)
JUDGE**

Whether Speaking	Yes
Whether Reportable	No