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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18051-2024 (O&M)
Date of Decision: 23.10.2024

Baldev Singh

....Petitioner

Versus

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sarabjit Singh Sidhu, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

HARSH BUNGER, J. (Oral)

Petitioner (Baldev Singh) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of Mandamus for directing the respondents to implement the order dated 29.01.1987 (Annexure P-2) passed by Special Collector (Agrarian), District Ferozepur and accordingly enter the mutation in favour of the petitioner in the revenue record.

2. Briefly, the petitioner claims that Smt. Kaudi widow of Inder Singh was his close relative and Smt. Kaudi was owner of land measuring 12 standard acres. It is stated that an area measuring 26 *kanals*-10 *marlas* owned by Smt. Kaudi comprised in Rectangle No.22, Killa No.17 (8-0), 18 (8-0), 19 (8-0), 20min (2-0) situated at Village Tillanwali, Tehsil and District

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Fazilka was declared surplus vide order dated 24.03.1986.

2.1 According to the petitioner, Smt. Kaudi had filed an application dated 23.12.1986 before the Special Collector (Agrarian), Fazilka seeking review of order dated 24.03.1986 seeking release of her aforesaid area, which declared surplus with a further prayer that in lieu thereof, her other land measuring 26 *kanals*-10 *marlas* comprised in Rectangle No.22, Killa No.15 (8-0), 25 (8-0), 24 (8-0), 23min (2-0) situated at Village Tillanwali, Tehsil and District Fazilka, be declared as surplus.

2.2 It is stated that on the aforesaid application dated 23.12.1986 submitted by Smt. Kaudi, the Special Collector (Agrarian), Fazilka passed an order dated 29.01.1987 (Annexure P-2).

3. It is the pleaded case of the petitioner that Smt. Kaudi has expired on 11.06.1992 and her entire estate, is succeeded to by the petitioner on the basis of her registered will dated 26.01.1992 (Annexure P-4); which was duly reflected in the revenue records except the land measuring 26 *kanals*-10 *marlas* comprised in Rectangle No.22, Killa No. 17 (8-0), 18 (8-0), 19 (8-0), 20min (2-0), situated at Village Tillanwali, Tehsil and District Fazilka.

4. Petitioner states that he had approached the Revenue Authorities with the prayer that the order dated 29.01.1987 (Annexure P-2) be implemented and reflected in the revenue records by submitting representation dated 14.03.2024 (Annexure P-5) and representation dated 01.05.2024 (Annexure P-7), however, no action has been taken thereon.

5. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court for the reliefs, as noticed above.

6. I have heard learned counsel for the petitioner and perused the

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paper-book with his able assistance.

7. Apparently, the petitioner is seeking implementation of an order dated 29.01.1987 (Annexure P-2), which was passed in favour of Smt. Kaudi. As per the petitioner’s own case, Smt. Kaudi expired on 11.06.1992 and thereafter, the petitioner claims to have succeeded to the estate of Smt. Kaudi.

8. Evidently, neither Smt. Kaudi during her lifetime nor the petitioner had initiated any action seeking implementation of order dated 29.01.1987 (Annexure P-2) up till the date of submission of the representations as mentioned above.

9. In my considered opinion, since no action was taken by Smt. Kaudi during her lifetime nor the petitioner had taken any action to seek implementation of order dated 29.01.1987 (Annexure P-2) for almost more than 30 years, the present Petition suffers from gross delay and latches.

10. In case of *Manmohan vs. Jaipal Singh, 2008(1) RCR (Civil) 220*, it was held that even for execution of a Civil Court decree, the period of limitation prescribed is 12 years from the date when it becomes enforceable and the decree becomes enforceable, the moment judgment is delivered and not when decree is drawn.

11. In view of the above, I do not find any merit in the instant Writ Petition and the same is accordingly dismissed.

12. All pending applications (if any) shall also stand closed.

23.10.2024
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No