



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

(Sr. No. 114)

CWP No.11173 of 2025

Date of decision: 06.08.2025

Harbans Kaur

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Hardeep Singh, Advocate for the petitioner.

Mr. Shekhar Verma, Addl. A. G., Punjab.

Mr. Kulvinder Singh, Advocate for
Mr. Shakinderpal Singh Chakkal, Advocate
for respondents No.4 & 5.

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DEEPAK SIBAL, J. (Oral)

(1) Through this petition challenge is made to the order dated 30.12.2008 passed by District Development and Panchayat Officer, exercising powers of the Collector, Patiala through which eviction of the petitioner, for having illegally encroached upon Panchayat land, has been ordered. Also under challenge is the order dated 21.10.2011 passed by the Joint Development Commissioner, exercising the powers of Commissioner, Rural Development and Panchayats, Punjab (for short - Commissioner) through which appeal filed by the petitioner to challenge order dated 30.12.2008 was dismissed.



(2) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(3) The delay of nearly 14 years in knocking the doors of this Court is sought to be explained by the petitioner as follows: -

“2. That it is stated that the case qua land in question was being pursued by the husband of Deep Singh. Deep Singh had suffered a stroke in the year 2015 and was bedridden and under indigenous treatment by a hakim. Deep Singh died on 21-11-2019 due to illness.

3. That the deponent is an illiterate lady and was not aware of the litigation qua the land in question nor Deep Singh ever disclosed to the deponent regarding the litigation qua the land in question.

4. That the deponent came to know about the present case in April 2025 when the respondent, gram panchayat and other officials came at spot to take the forcible possession of the land in question from the deponent.

5. That it is stated that the elder son of the deponent, Gurdev Singh, has been living separately at Ambala for the last 20 years, and the younger son has been living in Lotus Park, South Africa for the last 17 years.”

(4) The order of the Commissioner which is challenged through this petition is dated 21.10.2011. The petitioner's husband is stated to have suffered a stroke in the year 2015 and that thereafter, he remained bedridden till he died on 21.11.2019.

(5) No evidence, whatsoever, has been produced by the petitioner with regard to her husband having suffered a stroke in the year 2015; any treatment received by him and even that he died on 21.11.2019.

(6) Even if it is assumed that the afore statement made by the petitioner is correct, even then the impugned order, passed by the Commissioner is dated 21.10.2011 and the petitioner's husband was, admittedly, absolutely fine till the year 2015 but within this period of about 04 years also, he chose not to challenge the order of the Commissioner dated



CWP No. 11173 of 2025 (O&M) [3]

21.10.2011. For this delay there is no explanation even offered by the petitioner.

(7) In the light of the above inordinate delay of 14 years on the petitioner's part in approaching this Court which is not found to have been satisfactorily explained, the writ petition is dismissed on the ground of delay and laches.

(DEEPAK SIBAL)
JUDGE

06.08.2025
sunil yadav

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No