



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

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CWP-10545-2026**Date of Decision: 08.04.2026**

S XXXXXX

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Bhupender Singh, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of award dated 13.09.2017 to the extent Victim Compensation Committee, Fazilka has awarded compensation of Rs.75,000/-.

2. The petitioner, who is a child needing special care, was kidnapped on 01.11.2016 by one Rajinder Kumar. He disclosed that Rajinder Kumar had attempted to commit unnatural intercourse with him. An FIR No.83 dated 01.11.2016 was registered under sections 363/377/511 of IPC and section 8 of POCSO Act at PS City-II, Abohar. Rajinder Kumar was held guilty by learned Additional Sessions Judge, Fazilka vide judgment dated 04.02.2019. A committee was constituted by District Legal Services Authority, Fazilka to determine compensation to victim. The said Committee vide award dated 02.05.2019 awarded

3. The petitioner claims that as per Punjab Victim Compensation Scheme, 2017, he is entitled to higher amount of compensation. He has filed appeal before Punjab State Legal Services Authority which is pending adjudication.

4. On being asked, learned counsel for the petitioner failed to point out any provision which permits filing of appeal against order of District Legal Services Authority.

5. Learned State counsel submits that it was case under Protection of Children from Sexual Offences (POCSO) Act, 2012, thus, Section 33(8) was applicable.

6. No hard-and-fast rule can be laid down as to when the High Court should refuse to exercise its jurisdiction in favour of a party who moves it after considerable delay and is otherwise guilty of laches. Discretion must be exercised judiciously and reasonably. In the event that the claim made by the applicant is legally sustainable, delay should be condoned. Where illegality is manifest, cannot be sustained on the sole ground of laches. When substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. State cannot deprive vested right because of a non-deliberate delay.

7. A two Judge Bench of Supreme Court recently in '*Mrinmoy Maity Vs. Chhanda Koley and others*' 2024 SCC OnLine SC 551 has held that High Court ought to dismiss petition on the ground of delay and laches where there is no explanation of delay. An applicant who approaches the Court belatedly or in the other words sleeps over his

rights for a considerable period ought not to be granted the extraordinary relief by writ Courts. Delay defeats equity. High Court may refuse to invoke its writ jurisdiction if laxity on the part of applicant has allowed the cause of action to drift away and attempts are made to rekindle the lapsed cause of action. Multiple communications cannot create cause of action. The relevant extracts of the judgment are reproduced as below:

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The

ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court.”

8. In the case in hand, the compensation was awarded in 2019 and petitioner has approached this Court in 2026. There is no explanation for delay. If the petitioner was aggrieved, she was bound to assail the amount of compensation within a reasonable period. No limitation has been prescribed for filing writ petition, however, litigants are not free to approach High Court as per their whims and convenience. At this belated stage, it would not be in the interest of justice to direct the respondent to consider her claim for enhanced compensation. The petitioner by his act and conduct acquiesced action of the respondent and at this belated stage, wants to make hay while the sun shines. Her claim is badly hit by

9. Concededly, the impugned order was not appealable and in any case, appeal was filed in 2026.
10. In the wake of above factual position, this Court is of the considered opinion that the petition deserves to be dismissed and accordingly dismissed
11. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

April 08, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No