

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. No. 1462 of 2008
Date of Decision: January 31, 2008

Buta Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE T.P.S. MANN**

Present: Mr. P.P.S. Duggall, Advocate,
for the petitioner.

M.M. KUMAR, J.

This petition filed under Article 226 of the Constitution prays for setting aside the order dated 12.4.2007 (P-9), passed by the Land Acquisition Officer, Patiala-respondent No. 4, rejecting the claim of the petitioner for grant of further compensation in lieu of his acquired land. A further prayer has been made for directing the respondents to give land to the petitioner in lieu of the land acquired by the respondent State at the time of construction of Sirhind feeder canal and Rajasthan feeder canal or in the alternative to grant compensation to the petitioner in respect of his acquired land at the market rate.

Brief facts of the case are that the petitioner was owner in possession of land measuring 71 Kanals 12 Marlas as a share holder in Khasra No. 62 (304-18), 61 (299-1), situated at village Sudhara, District Ferozepur. In the year 1958/1959, the respondent State acquired the land in question alongwith other land for construction of Sirhind feeder and Rajasthan feeder canal. The acquisition proceedings culminated in the year 1962. It is claimed

that at the time of acquiring the land, a policy was framed by the Government to give land to a person whose land was acquired for the aforementioned purpose other than grant of compensation. It has further been submitted that the petitioner and similarly situated persons sent various representations and legal notice to the concerned authorities raising their claims. Eventually, the petitioner filed C.W.P. No. 15152 of 2005 in this Court and the Division Bench, vide order dated 20.7.2006 disposed of the petition directing respondent No. 4 to decide the legal notice and its reminder within a period of six months. It was specifically observed that while deciding the notice, the authority may take into consideration the delay by the petitioner in approaching the authorities for redressal of his grievance (P-7). In pursuance to the aforementioned direction, respondent No. 4 has passed the impugned order dated 12.4.2007 (P-9), relevant extract of which reads as under:-

“.....it revealed that the payment to the petitioner Buta Singh to the tune of Rs. 1832.29P, and his sons Kartar Singh Rs. 1368.78P, and Gulzar Singh Rs. 1080.18P were already made and duly received by them on 2.11.59. The payment of compensation for acquired land for Rajasthan Feeder has already been paid to the respective land owners and noting is balance against this office.

According to the orders dated 20.7.2006 of Hon'ble Punjab and Haryana High Court and the letters P-7 and P-7A sent by the land owners for further compensation is not liable to be paid again.

Therefore, the letters P-7 and P-7A send by the land owners may be considered to record.”

After hearing learned counsel for the petitioner and perusing the record we see no merit in the instant petition and the same is liable to be dismissed. The matter pertains to the acquisition of the year 1959. In pursuance to the directions issued by this Court in C.W.P. No. 15152 of 2005, respondent No. 4 has passed an order disclosing that payment was made in 1959. We have no reason to disbelieve about the aforementioned position disclosed in the order dated 12.4.2007 (P-9). It is well settled that the period of limitation for filing the suit as per the Limitation Act, 1963, would also apply to the writ petitions, which is three years, as has been opined by a Constitution Bench of Hon’ble the Supreme Court in the case of **State of M.P. v. Bhailal Bhai, AIR 1964 SC 1006.**

In view of above, there is no merit in the instant petition and we have no hesitation to dismiss the same.

(M.M. KUMAR)
JUDGE

(T.P.S. MANN)
JUDGE

January 31, 2008
Pkapoor