

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

**CWP No.14299 of 2015
Date of decision: 20.7.2015**

The Friends Cooperative House Building Society

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. V.Ramswaroop, Advocate for the petitioner.

Ajay Kumar Mittal, J.

1. Prayer in this petition is for quashing the impugned notifications dated 5.4.1990 and 4.4.1991 issued under sections 4 and 6 of the Land Acquisition Act, 1894 (in short, "the Act"), Annexures P.1 and P.3 respectively as also the notice issued under section 9 of the Act which is only for 31 kanals 7 marlas of land whereas total land of the petitioner is about 14 acres. Further prayer has been made for directing the respondents to release the land of the petitioner from acquisition.

2. A few facts relevant for the decision of the controversy

involved as narrated in the petition may be noticed. The petitioner is a Cooperative Society registered under the Haryana Cooperative Societies Act, 1984. It purchased the land vide various sale deeds in the years 1982 and 1983 in its name for allotment to its members as such or after construction of houses. Respondent No.1 issued notification under section 4 of the Act on 5.4.1990, Annexure P.1. The members of the society filed objections on 3.5.1990, Annexure P.2 under Section 5A of the Act. Thereafter, the respondents issued notification under Section 6 of the Act on 4.4.1991, Annexure P.3. The petitioner filed CWP No.15755 of 1991 before this Court on 23.9.1991. Vide order dated 11.10.1991, status quo regarding possession was granted by this Court. On 12.12.1991, Annexure P.9, notice under section 9 of the Act was issued by respondent No.2. The notice was not served on the petitioner but the same was received by the petitioner by filing application under Right to Information Act, 2005. This notice was for 31 kanals 7 marlas of land whereas total land of the petitioner was about 14 acres. Written statement was filed by the respondents on 17.2.1992. The said writ petition was dismissed by this Court vide order dated 4.4.2011, Annexure P.8. SLP No.20405 of 2011 filed by the petitioner was also dismissed. On 21.7.2011, possession of the land was taken from the petitioner without making the award. On 27.9.2011, CWP No.19042 of 2011 was filed by the petitioner which was also dismissed vide order dated 28.1.2013, Annexure P.7 against which appeal was also dismissed by the Apex Court. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. On perusal of the averments made in the writ petition, we find that the petitioner society had earlier filed two petitions i.e. CWP

Nos.15755 of 1991 and 19042 of 2011 challenging the same very notifications which were dismissed by this Court vide orders dated 4.4.2011 and 28.1.2013, Annexures P.8 and P.7 respectively. The orders of dismissal of earlier two writ petitions passed by this Court were affirmed by the Apex Court. Therefore, further petition on the same cause of action is not maintainable. Consequently, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 20, 2015
'gs'

(Rekha Mittal)
Judge