

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4234 of 2015 (O&M)
Date of decision: 26.05.2015

Col. N.D. Chauhan

....Petitioner

versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Tribhuvan Dahiya, Advocate
for the petitioner.

Mr. Chetan Mittal, Sr. Advocate-Asst. Solicitor General of
India with Mr. Vivek Singla, Sr. Panel counsel,
for the respondents-UOI.

* * *

DEEPAK SIBAL, J. (Oral)

It is the undisputed that on the same cause of action, the petitioner had earlier approached in the High Court of Himachal Pradesh, Shimla through CWP No.1325 of 2015 titled as '**N.D. Chauhan versus Union of India and others**', on 20.02.2015. That writ petition on the statement made by the learned counsel for the petitioner was permitted to be unconditionally withdrawn.

On the same cause, the petitioner has approached this Court through the present writ petition. A five Judge Bench of this Court in **Teja Singh v. The Union of Territory of Chandigarh, AIR 1982 (Punjab) 169**, has been held as under:-

“27. 1) to 8) XX XX XX

*9) That provisions of Order 23, rule 1 of Civil
Procedure Code would apply to the writ proceedings*

and that a petition which has simply been got dismissed as withdrawn would be a bar to the filing of a second petition on the same facts and in respect of the same cause of action.”

In view of the above authoritative pronouncement, holding the present petition to be barred, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

May 26, 2015
Jyoti 1