

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

**CWP No. 22583 of 2014 (O&M)
Decided on : 04.05.2016**

Rajesh Sharma

... Petitioner

Versus

The State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

PRESENT: Mr. Abhishek Yadav, Advocate
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Ashish Gupta, Advocate
for respondents No.5 & 6.

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this writ petition filed under Articles 226/227 of the Constitution of India, is to the notification dated 28.02.2006 (Annexure P-2) issued under Section 4 of the Land Acquisition Act, 1894 (for brevity 'the Act'), followed by Section 6 notification issued on 27.02.2008 (Annexure P-3) issued under the Act. Further challenge has also been made to the award, which was announced by the Land Acquisition Collector on 3rd March, 2009 (Annexure P-9).

2. The primary grievance of the petitioner is that the respondents had granted the licenses to respondents No.5 & 6, in the year 2007, after the issuance of notification under Section 4 of the Act but prior to notification issued under Section 6 of the Act.

3. Learned counsel for respondents No.5 & 6 drew our attention to the Civil Writ Petition No. 22514 of 2011, filed by the petitioner earlier, which was dismissed by this Court vide order dated 05.12.2011 (Annexure R-5/1)

observing that the petitioner has not been able to give any satisfactory explanation for approaching the Court after delay of 2½ years of the passing of the award.

4. The query was put to learned counsel for the petitioner as to whether the aforesaid plea of grant of licence was taken in the earlier petition when it was available to the petitioner, and thus, would now be hit by Order 2 Rule 2 of the Code of Civil Procedure (in short 'CPC'). It was also pointed out that the present writ petition is not only frivolous but also an abuse of the process of the Court of Law in the facts and circumstances as certain material facts have not been disclosed herein.

5. Faced with the situation, learned counsel for the petitioner submitted that he may be allowed to withdraw the present writ petition.

6. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

May 04, 2016

J.Ram