

Civil Writ Petition No. 22311 of 2016

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

**Civil Writ Petition No. 22311 of 2016
Date of Decision: 11.11.2016**

Smt. Kulwant Kaur and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Maharaj Kumar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the impugned notice dated 23.5.2016 (Annexure P-7) issued to the petitioners, by the Block Development and Panchayat Officer, Karnal-respondent No.3, asking them to remove their unauthorised occupation from the Shamlat land, handing over the vacant possession thereof to the respondent-Gram Panchayat, failing which, Gram Panchayat shall initiate proceedings to take the possession with the police help, as per rules.

Succinctly put, facts necessary for disposal of the present case, are that the respondent-Gram Panchayat was owner of the land in question.

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Since the petitioners seem to have started cultivating the land, initially on the basis of lease, term of which had expired and their possession became illegal. They filed a suit for injunction against the respondent-Gram Panchayat by way of civil suit No. 812/91. Gram Panchayat, through its counsel, appeared before the learned civil court and got the statement recorded that plaintiff shall not be dispossessed forcibly, but possession shall be taken only after following due process of law. Having given such undertaking on behalf of the respondent-Gram Panchayat, learned counsel for the plaintiff-petitioner sought permission to withdraw the civil suit. Accordingly, learned Sub Judge 1st Class, Karnal, vide order dated 20.8.1992 (Annexure P-1), dismissed the suit as withdrawn, directing that defendant shall remain bound by the statement given by the counsel in the court.

In compliance of the abovesaid order passed by the learned civil court, respondent-Gram Panchayat filed eviction petition under Sections 2 to 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, ('the Act' for short), vide eviction petition dated 17.8.1994 (Annexure P-3). Petitioners filed their written statement vide Annexure P-4. Parties led their respective evidence. After hearing both the parties and going through the evidence brought on record, Collector, Karnal, vide his order dated 28.10.1998 (Annexure P-5), accepted the eviction petition of the Gram Panchayat and ordered ejectment of the petitioners from the land in question.

Petitioners filed their appeal, which was dismissed by the learned Commissioner, Rohtak Division, Rohtak, vide order dated 20.9.2002 (Annexure P-6). Dissatisfied, petitioners approached this Court by way of CWP No. 2256 of 2003, which was also dismissed by a Division Bench of this Court vide order dated 11.2.2003. Since the petitioners did not file any

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SLP before the Hon'ble Supreme Court against the abovesaid order dated 11.2.2003, said order became final between the parties and the eviction order dated 28.10.1998 (Annexure P-5) became absolute.

However, it seems that during all these more than 13 ½ years, petitioners somehow managed to keep their illegal possession intact. When the Block Development and Panchayat Officer, Karnal-respondent No.3 issued impugned notice (Annexure P-7) to the petitioners, they filed their reply dated 8.8.2016 (Annexure P-8), requesting respondent No.3 to withdraw the same. Simultaneously, petitioners have approached this Court by way of instant writ petition.

Learned counsel for the petitioners, while placing reliance on the observations made by the Hon'ble Supreme Court in para 19 of its judgment in **Daryao and others Vs. State of U.P. and others, 1961 AIR (SC) 1457**, submits that since the abovesaid order dated 11.2.2003 passed by a Division Bench of this Court, dismissing earlier writ petition of the petitioners in limine, was a non speaking order, it will not operate either as estoppel or *res judicata* against the petitioners in filing and maintaining the present writ petition. He places reliance on an order dated 13.10.2015 passed by this Court in **CWP No. 7123 of 2011 (Krishan Pal and others Vs. The Commissioner, Rohtak Division, Rohtak and others)**, to contend that the impugned ejectment orders (Annexures P-5 and P-6) were illegal, because the ejectment petition filed by the respondent-Gram Panchayat under the provisions of the Act was not maintainable. He further submits that, at the most, ejectment petition under the Punjab Village Common Lands Act, 1961 (as applicable to the State of Haryana), could have been filed against the petitioners. He prays for setting aside the impugned notice, by allowing the

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present writ petition.

Having heard learned counsel for the petitioner at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the arguments advanced, this Court is of the considered opinion that present writ petition is without any merit and the same is liable to be dismissed. To say so, reasons are more than one, which are being recorded hereinafter.

So far as eviction order dated 28.10.1998 (Annexure P-5) passed by the Collector, Karnal, appellate order dated 20.9.2002 (Annexure P-6) passed by the Commissioner, Rohtak Division, Rohtak, are concerned, both these orders were upheld passed by a Division Bench of this Court vide order dated 11.2.2003, dismissing CWP No. 2256 of 2003. Operative part of the first ejectment order dated 28.10.1998 (Annexure P-5), available at page 28 of the paper book, reads as under:-

“I have heard the argument and have also careful perusal the record and have come to the conclusion that the land in question comes to the Gram Panchayat and respondents have proved to establish that Gram Panchayat has leased out the land allotted to them. They have not paid any lease amount on the land towards the use of the land to the Gram Panchayat and therefore, their possession has become illegal. The Hon’ble Court has also order that the ejectment should be ordered in an illegal manner. None has appeared at the time of argument of the case representing the respondents. The land is covered by the definition of Public Premises Act and the Gram Panchayat in its owner and respondents have been in illegal

possession of the same for the last 6 years. Therefore, the respondents are ordered to be ejected from the land in question measuring 116 kanals 1 marla comprised in khewat No. 138, khatauni No. 193, 194, 197, 199, 200, 201, Rect No. 8 khasra No. 8/2, 13, 18,6,15,16,23,25,19,22,9,12,14,7,17 and 24/2 total area 116 kanal 1 marla and a sum of RS. 5,000/- per acre per year an interest @ 18 % is ordered to be recovered on account of the misuse of the Panchayat land. The copy of this order should be pasted on the land in question. Order has been announced in the open Court.”

Petitioners filed their appeal, which was dismissed by the Commissioner, Rohtak Division, Rohtak, vide order dated 20.9.2002 (Annexure P-6) and the relevant operative part thereof, which is available at page 32 of the paper book, reads as under:-

“I have heard both the parties and have also perused the record of the Subordinate court very carefully. The appellants have failed to establish in the Subordinate Court that in what capacity the land in question is to be possessed and only because they have no ‘pattanama’ and allotment letter/order. No documents have been produced before the trial court or in this regard to establish this fact no evidence is recorded on the file. As regards the plea of the appellants that the minor respondents were proceeded ex parte in illegal manner. The perusal of the file revealed that the minor respondents were represented by their mother Kulwant Kaur and Parsan Kaur and they also filed written statement. I am of

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the view that the order passed by the Subordinate court is correct and requires no interference. Therefore, appeal filed by the appellant is dismissed.”

Against the abovesaid order two orders, petitioners approached this Court by way of CWP No. 2256 of 2003, which came to be dismissed by a Division Bench of this Court, by passing the following order:-

“CWP No. 2256 of 2003

Present: Mr. N.D. Achint, Advocate for the petitioner.

We have heard the Ld. Counsel for the petitioner at length and perused the record of the case.

We find no reason to interfere with the well reasoned order passed by the authorities below.

Dismissed.

Dated Feb, 11, 2003

*Sd/-
Judge*

*Sd/-
Judge”*

As noticed hereinabove, petitioners did not challenge the order dated 11.2.2003 passed by Division Bench of this Court, before the Hon’ble Supreme Court and the said order passed by this Court became final. In spite of the fact that the abovesaid ejectment order dated 28.10.1998 (Annexure P-5) had attained finality between the parties, neither they handed over vacant possession of the land in question to its true owner, i.e. respondent-Gram Panchayat, nor they paid any amount, as directed vide abovesaid orders, as if the petitioners were treating themselves immune from the abovesaid orders.

Had the petitioners felt aggrieved against the abovesaid order dated 11.2.2003 passed by Division Bench of this Court, they were at liberty to

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challenge the same before the Hon'ble Supreme Court, but they did not do so, for the reasons best known to them. Once the petitioners accepted and allowed the abovesaid three orders to become final against them, it was least expected from them to hand over the vacant possession. By not doing so, petitioners proceeded on a wholly malafide and dishonest approach, while continuing illegally and somehow managed to continue in their unauthorized possession, for an inordinate long period of more than 13 years, even after dismissal of their writ petition by Division Bench of this Court, vide abovesaid order dated 11.2.2013.

Both the arguments raised by learned counsel for the petitioners have been duly considered, but were found wholly misplaced and not worth acceptance. It is so said, because the observations made by the Hon'ble Supreme Court in para 19 of its judgment in **Daryao's case (supra)**, do not help the petitioners, but, as a matter of fact, clearly go against them. The observations made by the Hon'ble Supreme Court in para 19 of its judgment in **Daryao's case (supra)**, read as under:-

“We must now proceed to state our conclusion on the preliminary objection raised by the respondents. We hold that if a writ petition filed by a party under Article 226 is considered on the merits as a contested matter and is dismissed the decision thus pronounced would continue to bind the parties unless it is otherwise modified or reversed by appeal or other appropriate proceedings permissible under the Constitution. It would not be open to a party to ignore the said judgment and move this Court under Article 32 by an original petition made on the same facts and for obtaining the same or similar orders or writs. If the petition filed in the High Court under Article 226 is dismissed not on the merits but because of the laches of the party applying for the writ or because it is

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held that the party had an alternative remedy available to it, then the dismissal of the writ petition would not constitute a bar to a subsequent petition under Article 32 except in cases where and if the facts thus found by the High Court may themselves be relevant even under Article 32. If a writ petition is dismissed in limine and an order is pronounced in that behalf, whether or not the dismissal would constitute a bar would depend upon the nature of the order. If the order is on the merits it would be a bar; if the order shows that the dismissal was for the reason that the petitioner was guilty of laches or that he had an alternative remedy it would not be a bar, except in cases which we have already indicated. If the petition is dismissed in limine without passing a speaking order then such dismissal cannot be treated as creating a bar of res judicata. It is true that, prima facie, dismissal in limine even without passing a speaking order in that behalf may strongly suggest that the Court took the view that there was no substance in the petition at all; but in the absence of a speaking order it would not be easy to decide what factors weighed in the mind of the Court and that makes it difficult and unsafe to hold that such a summary dismissal is a dismissal on merits and as such constitutes a bar of res judicata against a similar petition filed under Art. 32. If the petition is dismissed as withdrawn it cannot be a bar to a subsequent petition under Art. 32. Because in such a case there has been no decision on the merits by the Court. We wish to make it clear that the conclusions thus reached by us are confined only to the point of res judicata which has been argued as a preliminary issue in these writ petitions and no other. It is in the light of this decision that we will now proceed to examine the position in the six petitions before us.”

The abovesaid observations made by the Hon’ble Supreme Court do not help the petitioners, because neither the Division Bench of this Court dismissed the earlier writ petition of the petitioners on account of

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laches, nor it was dismissed because of availability of any alternative remedy to the petitioners.

In fact, the Division Bench of this Court, in its wisdom, thought it appropriate not to pass a detailed order, keeping in view the peculiar facts and circumstances. However, the writ petition was not dismissed either because of laches on behalf of the petitioners or because of availability of alternative remedy to them, rather, it was an order of dismissal on merits of the case. The abovesaid order passed by Division Bench of this Court cannot be said to be a non speaking order, by any stretch of imagination and the petitioners would be estopped from filing the present writ petition, because of the principle of estoppel as well as principle of res-judicata, because the issue which is again sought to be raised by the petitioners is qua the same subject matter and between the same parties.

The view that has been taken by this Court also finds support from the law laid down by the Hon'ble Supreme Court in **Bar Council of India Vs. Union of India, 2012 (8) SCC 243**. The relevant observations made by the Hon'ble Supreme Court in para 35 and 36, which aptly apply to the present case, read as under:-

“35. Learned counsel for the petitioner submitted that the disposal of the writ petition filed by S.N. Pandey was in limine and the order passed therein cannot be construed as a binding precedent. It was also submitted that the said decision does not declare any law under Article 141 of the Constitution since points now raised in the present matter, were neither argued nor discussed.

36. We are not persuaded by the submission of the

learned counsel for the petitioner. Although the disposal of writ petition in S.N. Pandey was in limine and the order is brief but the court has disposed of the same on merits. In B. Prabhakar Rao, O. Chinnappa Reddy ,J. did observe in para 22 that the dismissal in limine of a writ petition cannot possibly bar the subsequent writ petitions but at the same time he also observed that such a dismissal in limine may inhibit the discretion of the Court. V. Khalid, J. in his supplementing judgment in para 27(6) expounded the position that normally this Court would be disinclined to entertain or to hear petitions raising identical points again where on an earlier occasion, the matter was heard and dismissed. Not that this Court had no jurisdiction to entertain such matters, but would normally exercise its discretion against it. We are in complete agreement with the above view of V. Khalid, J. It is against public policy and well defined principles of judicial discretion to entertain or hear petitions relating to same subject matter where the matter was heard and dismissed on an earlier occasion.”

Coming to the second argument raised by learned counsel that the original ejectment petition dated 17.8.1994 (Annexure P-3) filed by the respondent-Gram Panchayat under the Act was not maintainable against the petitioners, it is suffice to say that the ejectment orders (Annexures P-5 and P-6) are not even under challenge in the present writ petition and rightly so, as the same have already attained finality between the parties, by dismissal

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of the earlier writ petition No. 2256 of 2003 filed by the petitioners. In such a situation, this argument was not even available to the learned counsel for the petitioners and ought to have been summarily rejected. However, since the argument has been found misconceived on merits as well, this Court thought it appropriate to deal with this argument, accordingly.

An identical issue fell for consideration before a Division Bench of this Court, way back in the year 1993, when CWP No. 956 of 1984 **(Ram Piari Vs. Joint Director Panchayats (Pb))**, which is reported as 1993 PLJ 307, was dismissed. It was held by the Division Bench of this Court that unauthorized occupants can be evicted under the both the Acts, i.e. Punjab Public Premises Act, (Eviction and Rent Recovery Act) 1973 as well as Punjab Village Common Land (Regulation) Act, 1961. The law laid down by the Division Bench of this Court in **Ram Piari's case** (supra) came to be followed by another Division Bench of this Court in **Rajdev Singh and another Vs. Joint Development Commissioner, Punjab and others, 2012 (2) RCR (Civil) 623**.

Again, the view taken by this Court in **Ram Piari's case** and reiterated in **Rajdev Singh's case** (supra), came to be followed in another Haryana matter, i.e. **Gram Panchayat, Kalinjar, Tehsil Nu, District Mewat Vs. Commissioner Gurgaon Division, Gurgaon, 2014 (3) RCR (civil) 427**. In its latest judgment in **Gram Panchayat, Kalinjar' case** (supra), Division Bench judgment in **Banwari Vs. State of Haryana and others, 2008 (4) RCR (civil) 431** as well as Full Bench judgment of this Court in **Roshan @ Roshal Lal Vs. Secretary, Govt. of Haryana, 1998 (4) RCR (civil) 108**, on which judgment dated 13.10.2015 passed by this Court in **Krishan Pal's case** (supra) is based, have also been clearly distinguished.

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It seems that the abovesaid three judgments of this Court in **Ram Piari's case** (supra), **Rajdev Singh's case** (supra) and **Gram Panchayat, Kalinjar's case** (supra) were not brought to the notice of this Court, at the time of passing the order dated 13.10.2015 in **Krishan Pal's case** (supra). Since learned counsel for the petitioners referred to the relevant observations made by Division Bench of this Court in **Banwari's case** (supra), it would be appropriate to refer to the operative part of the order dated 13.10.2015 passed by this Court in **Krishan Pal's case** (supra), as under:-

“In view of above, both the petitions are allowed and the impugned orders are set aside. Liberty is, however, granted to the Gram Panchayat of respective villages, to file fresh petitions for the eviction of the petitioners, if so advised, under the provisions of the Punjab Village Common Lands (Regulation) Act, 1961. Admittedly, the Gram Panchayat is owner of the land in question. The same is clear from the jamabandies for the year 1956-57 and onwards, the petitioners in both the writ petitions are in prima facie unauthorized possession and the impugned orders have been set aside only on technical grounds. Thus, the petitioners in both the writ petitions are directed to pay ₹20,000/- per acre from the date of filing of the eviction petitions under the 1972 Act in both the petitions till the disposal of eviction petition that may be filed under the provisions of the Punjab Village Common Lands (Regulation) Act, 1961. The

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Director Panchayats, Haryana shall supervise the proceedings. It is made clear that the amount to be deposited by the petitioners shall be adjusted against the amount which may be fixed by the competent authority.”

It is pertinent to note here that since ownership of the respondent-Gram Panchayat, qua the land in question, has not been disputed by the learned counsel for the petitioners in the present case, said aspect of the matter is not being dealt with by this Court. In fact, learned counsel for the petitioners seems to be justified in not racking up this issue at this belated stage, because the ejectment orders (Annexure P-5 and P-6) have attained finality against the petitioners, with the dismissal of their earlier writ petition by a Division Bench of this Court vide abovesaid order dated 11.2.2003.

The law laid down by a Division Bench this Court in **Gram Panchayat, Kalinjar’s** case (supra), reiterating the earlier view taken by two Division Benches of this Court in **Ram Piari’s case** (supra) and **Rajdev Singh’s case** (supra), also deserve to be noticed, because it has proved to be a clincher against the petitioners. The relevant observations made by the Division Bench in para 9, 10, 15 and 16 of its judgment in **Gram Panchayat, Kalinjar’s case** (supra), which can be gainfully followed in the present case, read as under:-

“Before this Court, learned counsel for the Gram Panchayat has vehemently argued that Jumla Mustarka Malkan land vest in Panchayat consequent to amendment in the Punjab Village Common Lands (Regulation) Act, 1961 vide Haryana Act No.9 of 1991. Since the land vests with a Panchayat, therefore, the

petitioner has rightly invoked the jurisdiction of the Public Premises Act. It is contended that the Gram Panchayat is a local authority in terms of Section 2(xxix) of the Haryana Panchayati Raj Act, 1994. Therefore, any land whether used for agricultural or non-agricultural purposes belonging to any local authority falls within the scope of the Public Premises Act. Learned counsel for the petitioner relies upon a Division Bench judgment of this Court in Rajdev Singh & another Vs. Joint Development Commissioner, Punjab & others 2012 (2) RCR (Civil) 623, wherein it has been held that the Panchayat has the option to initiate proceedings under the Punjab Village Common Lands (Regulation) Act, 1961 and or Public Premises Act. Such judgment follows the earlier Division Bench judgment of this Court reported as Smt. Ram Piari Vs. Joint Director, Panchayats, Punjab 1993 PLJ 307. The relevant extract from Rajdev Singh's case (supra) reads as under:

*“13. We have considered the implications of both the Acts i.e. the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 and the Punjab Village Common Lands (Regulation) Act, 1961. These are State Acts. The “Eviction Act” has been enacted after the “Common Lands Act”, it does not exclude the application of Common Lands Act for eviction of the unauthorized occupant, so, unauthorized occupant can be evicted under both the Act. This Court in the matter of **Smt. Ram Piari and others vs. Joint Director, Panchayats, Punjab and other** reported in **1993, PLJ, 307** has taken a view that both the remedies are available to the Gram Panchayat. The law as on date provides that Gram Panchayat has remedies under both the Act for eviction of unauthorized occupant. Whichever remedy, Panchayat deem it appropriate speedy, summary and*

effective, it can avail. So, the contention of the learned counsel for the petitioners that Gram Panchayat has only remedy under Section 7 of the Act is devoid of merit, hence, rejected.”

*On the other hand, Mr. Jhanji relies upon a Division Bench judgment of this Court reported as **Banwari Vs. State of Haryana 2009 (1) PLR 394**, to contend that the proceedings under the Public Premises Act are not maintainable. He also contends that the plaintiff has proved his possession over the land in question for more than 60 years, thus, he cannot be ordered to be evicted.*

Xx xx xx xx

*In Banwari’s case (supra), the judgment in Ram Piari’s case (supra) was referred to, but the same was not followed in view of the judgment of Full Bench in **Roshan @ Roshan Lal Vs. Secretary, Govt. of Haryana, 1998 (3) PLR 651**. It may be noticed that the land falls within the definition of the expression “premises” in the Public Premises Act. The Gram Panchayat is a local authority in terms of Section 2(xxix) of the Haryana Panchayati Raj Act, 1994. It appears that the definition reproduced in the judgment in Banwari’s case (Supra) is not correct reproduction as well. Any premises including land owned by Panchayat is Public Premises. The correct definition of the ‘premises’ and ‘public premises’ as defined in the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 reads as under:*

“2. Definitions – In this Act, unless the context otherwise requires

xx xx xx

(c) ‘premises’ means any land, whether used for agricultural or nonagricultural purposes, or any building or part of a building and includes:

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

xx xx xx

(e) 'public premises' means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the State Government, or requisitioned by the competent authority under the Punjab Requisitioning and Acquisition of Immovable Property Act, 1953, and includes any premises belonging to any Local Authority or District Soldier, Sailors and Airmen's Board or any university established by law or any Corporation or Board owned or controlled by the State Government."

*We find that **Roshan's case (supra)**, was a case of a lessee, who over-stayed on the land leased to him. In the said case, the proceedings were initiated against the unauthorized occupant under the Punjab Village Common Lands (Regulation) Act, 1961. The Full Bench has overruled the judgment of the Division Bench in **Om Parkash Vs. The Assistant Collector Ist Grade, Narnual & others reported as 1992 (2) RRR 327**. An argument was raised before the Full Bench that the lessee, whose lease period has expired can be ejected from the land either by filing a suit or under the provisions of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act. It was held that a lessee, whose lease period has expired, can be evicted in proceedings under the Punjab Village Common Lands (Regulation) Act, 1961. There is no finding in the aforesaid judgment that such a lessee cannot be evicted under the provisions of the Haryana Public Premises and Land (Eviction and*

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Rent Recovery) Act. Since eviction was sought under the Punjab Village Common Lands (Regulation) Act, it was allowed. The converse cannot be said to be the finding recorded by the Full Bench. The Division Benches in Smt. Ram Piari's and Rajdev Singh's cases (supra) have categorically held that Panchayat has an option to seek eviction of unauthorized occupant under either of the two statutes both being State Legislations conferring jurisdiction on the Panchayat to seek eviction of unauthorized occupant. Thus, we find that the judgment in Roshan Lal's case (supra) does not support the finding recorded in Banwari's case (supra)."

In addition to the above, order dated 13.10.2015 passed by this Court in **Krishan Pal's case** (supra) also does not apply to the abovesaid peculiar fact situation obtaining on record in the present case, because ejectment of the petitioners has already attained finality against them, way back on 11.2.2003 when a Division Bench of this Court dismissed their earlier writ petition.

It is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

In view of what has been discussed hereinabove, it is unhesitatingly held that although the present writ petition was not even maintainable against only a notice, to which the petitioners have filed their reply vide Annexure P-8, yet the petitioners had no case either on facts or in

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law. The impugned notice has not been found suffering from any patent illegality or perversity, because it was simply seeking execution and implementation of the ejection order dated 28.10.1998 (Annexure P-5), which had already attained finality against the petitioners. Further, no prejudice of any kind, whatsoever, has been pointed out by the learned counsel for the petitioners, which might have been caused to the petitioners by issuing the impugned notice (Annexure P-7), warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

During the course of hearing, neither any contrary judgment was brought to the notice of this Court, nor any other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

11.11.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No