

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.4753 of 2016.

Date of Decision: July 26, 2016

Balwinder Singh Dhiman and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE DARSHAN SINGH.

Present: Mr.S.S.Salar, Advocate, for the petitioners.

Mr.R.D.Sharma, Deputy Advocate General, Haryana.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 and 3 only at this stage.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

Let two copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 & 3 or to serve respondent No.2 at this stage as no order prejudicial to its interest is being passed.

The land of the petitioners was acquired vide notifications dated 30.11.2006 and 28.11.2007 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 for development and its utilization as residential area of Sector 27, 28 and 30 at Pinjore, District Panchkula. The urban area was to be developed by Haryana Urban Development Authority—respondent No. 2. The land-owners including most of the petitioners earlier challenged the acquisition proceedings through various writ petitions including CWP Nos. 3708 of 2010, 18278 of 2008 and 5530 of 2009 etc. which were dismissed by this Court vide judgment dated 25.01.2011.

Some of the landowners [other than petitioners] went in appeal before the Hon'ble Supreme Court and their appeals were allowed vide judgment dated 07.08.2013 and acquisition qua their land has been quashed.

The petitioners, now on the strength of the above stated judgment, have filed this second writ petition questioning the acquisition.

Having heard learned counsel for the parties, we are of the considered view that the principle akin to *res-judicata* are undoubtedly attracted and the petitioners can not be permitted to re-agitate the acquisition only because the Hon'ble Supreme Court in a later decision has quashed the acquisition. We, however, find from the record that the petitioners have made a representation to the Authorities to reconsider their claim for the release of land in the light of the findings returned by the Hon'ble Supreme Court in the cited decision.

In the peculiar facts and circumstances, we dispose of this writ petition with liberty to the respondents to consider and take appropriate decision on the representation of the petitioners dated 19.09.2013 (P-5) in

the light of the Supreme Court judgment dated 7.8.2013 (P-4).

Dasti.

[SURYA KANT]
JUDGE

July 26, 2016
mohinder

[DARSHAN SINGH]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No