

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

CWP No. 1106 of 2015 (O&M)

Date of decision: 18.5.2017

Sanjiv Kumar Bhalla and others

.. Petitioners

VS

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Ramendra Jain**

Present: Mr. Amarbir Singh Salar, Advocate, for the petitioners.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. Yashdeep Nain, Advocate for
Mr. Kuldeep Tiwari, Advocate, for respondent no. 2,
in CWP No. 2940 of 2015.

Rajesh Bindal, J.

This order will dispose of three petitions bearing CWP Nos. 1106, 1346 and 2940 of 2015, as common questions of law and facts are involved therein. However, the facts have been extracted from CWP No. 1106 of 2015.

Challenge in the present petition is to the notification dated 30.11.2006 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') and notification under Section 6 of the Act dated 28.11.2007. They have also challenged the order dated 25.7.2014 passed by the Secretary-cum-Director General, Department of Urban Estates, Haryana, dismissing their prayer for release of the land. Earlier the

petitioners challenged the acquisition by filing CWP No. 18278 of 2008, which was dismissed by this Court vide judgment dated 25.1.2011. The same was challenged by some of the petitioners therein and not the present petitioners before Hon'ble the Supreme Court, which was allowed vide judgment dated 7.8.2013 passed in Civil Appeal Nos. 6668-6669 of 2013 Gian Chand and others vs State of Haryana and others, primarily on the ground that the objections filed by the appellants before Hon'ble the Supreme Court were not considered and decided objectively before issuing notification under Section 6 of the Act. More than one year after the decision, the petitioners preferred second writ petition challenging same acquisition.

Learned counsel for the State at the very outset submitted that the petition deserve to be dismissed on the principles of res-judicata as the issues were raised by the petitioners in the earlier writ petition, which was dismissed by this Court and the order attained finality. Fresh writ petition claiming the same relief even on different grounds cannot be entertained. He further referred to an order dated 26.7.2016 passed in CWP No. 4753 of 2016 Balwinder Singh Dhiman and others vs State of Haryana and others, with reference to same acquisition, where second writ petition was dismissed.

After hearing learned counsel for the parties and considering the fact that earlier CWP No. 18278 of 2008 filed by the petitioners challenging the same acquisition was dismissed by this Court vide judgment dated 25.1.2011 and the petitioners being satisfied did not challenge the same any further. Merely because some of the petitioners in

CWP No. 18278 of 2008 had challenged the order before Hon'ble the Supreme Court and the appeal was accepted, will not give fresh cause of action to the present petitioners to impugn the acquisition again which in fact would mean challenging the earlier judgment of this Court in a fresh writ petition, which cannot be entertained. Under similar circumstances this Court has already dismissed another writ petition in Balwinder Singh Dhiman's case (supra).

Accordingly, the writ petitions are dismissed.

(Rajesh Bindal)
Judge

18.5.2017
vs

(Ramendra Jain)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No