

LPA no. 553 of 2017 (O&M) 1

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

**LPA no. 553 of 2017 (O&M)
Date of Decision : 07.04.2017**

Rajpal

....Appellant(s)

Versus

Ajit Singh and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

Present : Mr.Deepak Kundu, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

The present appeal is directed against the judgment of the learned Single Judge dated 21.3.2017.

Learned counsel for the appellant contends that on an earlier occasion the controversy qua the same water course stood concluded by this Court in CWP no. 21412 of 2010 decided on 3.4.2012 but this fact was not taken into account by the learned Single Judge while deciding the writ petition no.4394 of 2014 by virtue of the impugned order.

It appears that this point was never raised before the learned Single Judge although learned counsel for the appellant contends that he did raise this plea but was not noticed.

After hearing learned counsel for the appellant, we are of the opinion that the only assertion of the earlier writ petition having concluded the dispute inter se between the parties and the fact of it being argued would

have to be brought to the notice of the learned Single Judge in the first instance. Consequently, we decline interference but grant liberty to the appellant to approach the learned Single Judge in appropriate proceedings.

Disposed of with liberty aforesaid granted.

(Mahesh Grover)
Judge

07.04.2017
rekha
Whether speaking/reasoned
Whether reportable

(Shekher Dhawan)
Judge
Yes/No
Yes/No