

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

**CR No.8586 of 2017(O&M)
Date of Decision: 01.11.2018**

**Manmohan Singh through LR's and others
.....Petitioners**

Versus

**Land Acquisition Collector, Ludhiana Improvement Trust
and anotherRespondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Yashpal Marken, Advocate
for petitioners No.1 and 6.

Ms. Ritam Aggarwal, Advocate
for petitioners No.2 to 5 and 7 to 9.

Mr. Prem Kumar, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Benefit was declined to the petitioners solely on the ground that they were not party to CWP No.4890 of 1986 decided by the High Court on 16.05.2006.

By referring to the aforesaid order, learned counsel for the petitioners submit that in fact bunch matter was decided and the order was passed in the lead case i.e. CWP No.4890 of 1986 titled Prem Gupta Vs. Improvement Trust. Writ petition

filed by the petitioners was CWP No.2162 of 1989 which was already disposed of in terms of CWP No.4890 of 1986.

The observations to the contrary made in the impugned order that the petitioners did not file any writ petition do not stand to reasons. Though, perusal of execution application for recovery of the amount shows that description of CWP No.4890 of 1986 was given by the petitioners themselves, but in view of decision of CWP No.2162 of 1989 along with CWP No.4890 of 1986, the relief cannot be declined for the reasons as recorded in the impugned order.

In view of above, matter is remitted to the executing Court to re-visit the order in view of factual position on record and pass appropriate order in accordance with law.

November 01, 2018

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No