

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

CWP No. 10328 of 2016 (O&M)

Date of Decision: 26.02.2018

Harjeet Singh and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

Mr. Harish Rathee, Senior DAG Haryana.

Mr. Sunil Nehra, Advocate
for respondent Nos. 5, 6 & 9.

RAJIV NARAIN RAINA, J. (Oral)

For the same relief, the petitioner approached this Court in CWP No. 2303 of 2010. The petition was dismissed. An appeal was carried to the Letters Patent Bench where the petitioners remained unsuccessful. Dissatisfied with the orders passed by the Division Bench, a review application is filed, which was also dismissed. The petitioner called in question all the orders by filing a special leave petition in the Supreme Court which petition was dismissed as withdrawn without any liberty granted to the petitioners to legal recourse. Thereafter, they approached the department by a fresh representation on the same cause of action which was also dismissed by the authority holding that the matter has been settled by the Court and cannot be reopened.

The present petition has been filed challenging that order and the order impugned in the earlier petition. It is argued that wrong facts were pleaded in the earlier litigation and, therefore, a chance be given to the petitioners to reopen their case for a fresh decision. I am afraid this not possible and the defects or shortcomings, if any, remain incurable and the case cannot be re-traversed to expect a different result. If such pleas are readily accepted, then all cases which have attained finality can be reopened. It would be against the public policy and the principle of stare decisis to accept the plea of the petitioners to undo the previous litigation between the same parties on the same cause of action. This is a frivolous and vexatious piece of litigation filed only to waste the precious time of the Court.

The petition is dismissed with costs of ₹ 25,000/- to be paid to the Haryana State Legal Services Authority, Panchkula, Haryana within two months with right to the authority to recover the costs from the petitioners, jointly or severally as arrears of land revenue, if not deposited.

(RAJIV NARAIN RAINA)
JUDGE

26.02.2018

kv

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