

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

CWP-PIL-14-2019

Date of decision: 18.01.2019

Gaurav Jain

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Ms. Jainika Jain Sharma, Advocate for the petitioner.

KRISHNA MURARI, C.J. (Oral)

This writ petition in the nature of Public Interest Litigation has been filed seeking the following main reliefs:

- “ii) Issue a writ in the nature of Mandamus directing the Respondents No.1 to 4 to immediately take effective steps in removing the illegal encroachment of the respondent No.5 from the public land, which is a historical pond, situated in Khasra No.1475, Hadbast No.31, Revenue Estate of village Nakodar-1, Tehsil Nakodar, District Jalandhar, measuring 90 Kanals 10 Marlas;**
- iii) issuance of appropriate direction to the respondent No.1 to 4 to take effective measure for preparing the said park for the public use especially the children, who, due to illegal encroachments of the respondent No.5 are not even able to play or visit in the said area.”**

It is undisputed fact that another writ petition being CWP No.22040 of 2017 was filed based on the same cause of action seeking the same relief by the petitioner, which was dismissed as withdrawn vide order dated 27th September, 2017.

Once a writ petition based on the particular cause of action seeking a particular relief was dismissed as withdrawn without liberty to file a fresh petition, the second writ petition based on the same cause of action seeking the same relief is barred. We accordingly dismissed this writ petition.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

18.01.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO