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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CW-192-2020 in
CWP No. 13486 of 2016

Date of Decision: 2nd November, 2020

Joginder Singh and others

....Applicants-Petitioners

VERSUS

State of Haryana and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Maninder Arora, Advocate for the Applicants-Petitioners.

Mr. Ankur Mittal, learned Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. The only ground on which review of the order dated 24th August, 2018, by which the main writ petition was dismissed, is sought is that the aforesaid order overlooked the fact that there was a second prayer in the writ petition seeking the quashing of a letter dated 27th June, 2016 of the Deputy Director, Urban Estate Department, Panchkula, Haryana (Respondent No. 6). By the said impugned order an earlier order dated 1st October, 2012 directing release of the land in favour of the Petitioners was withdrawn.

2. The Court has heard the submissions of Mr. Maninder Arora, learned Counsel for the Review Applicants/Petitioners as well as Mr. Ankur Mittal, learned Additional Advocate General, Haryana appearing on behalf of the Respondents.

3. There have been several rounds of litigation challenging the acquisition proceedings which commenced way back on 31st May, 1984 with a notification under Section 4 of the Land Acquisition Act, 1984 and culminated with an award dated 9th June, 1987. There were at least three writ petitions filed earlier, challenging the aforementioned acquisition proceedings i.e. CWP No. 10424 of 1988 (*Avtar Singh and others v. State of Haryana*), CWP No. 1760 of 1995 (*Joginder Singh and others vs. State of Haryana and others*) and CWP No. 18059 of 2006 (*Avtar Singh and others vs. State of Haryana*). By orders dated 8th December, 1989, 27th February, 1996 and 16th November, 2006, in each of the aforesaid petitions respectively, this Court upheld the acquisition proceedings.

4. It appears that thereafter another petition CWP No. 13486 of 2016 was filed in this Court, challenging the same acquisition proceedings, which came to be allowed on 27th October, 2016 on the ground that compensation had not been paid to the Petitioners. However, against this order, the Respondents filed a Review Application No. 258 of 2017 pointing out that the factual position was to the contrary. Accordingly, the said review application was allowed by an order dated 2nd February, 2018 and the main writ petition CWP No. 13486 of 2016 was restored to file. This writ petition was dismissed by the order dated 24th August, 2020, a review of which has been sought in this review application.

5. Apart from the above mentioned petitions, it appears that there were at least four civil suits filed by the Petitioner No.1, which were all dismissed. The last filed civil suit was Civil Suit No. 668 of 2015, which was withdrawn on the basis of a statement made by Petitioner No.1/Plaintiff therein that he did not want to pursue the suit in the light of the order dated 27th October, 2016 passed in the present writ petition. As already noticed, that order was reviewed by this Court by the order dated 2nd February, 2018. Consequently, the Petitioner had no case whatsoever, for release of the land in his favour, when repeated challenges to the acquisition proceedings had failed. A perusal of the impugned order dated 27th June, 2016 of the Respondent No. 6 reveals that it was occasioned by the Petitioners having not placed the full facts and, particularly, the repeated dismissals of their earlier writ petitions challenging the acquisition proceedings.

6. In the circumstances, no fault can be found with the order dated 27th June, 2016 withdrawing the earlier order dated 1st October, 2012. Resultantly, the Court finds no merit in the present review application and dismisses it as such.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

2nd November, 2020
Satyawar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No