

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

CWP-1435-2021

Date of Decision:-10.03.2021

Raghubir Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. S.S. Dinarpur, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl. A.G., Haryana.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioners have challenged the Notifications dated
2.1.2002 (Annexure P-4) and 24.12.2002 (Annexure P-5) issued under
Sections 4 & 6 and Award dated 21.12.2004 (Annexure P-6) passed by the
Land Acquisition Collector under the Land Acquisition Act 1894 (in short
'the Act of 1894') respectively qua their total land measuring 3 Bigha 0
Biswa (including land measuring 1 Bigha 0 Biswa which has already been

released) comprised in Khasra No.7215/2, 7218/2 and 7220 upon which their residential house surrounded by boundary wall is existing, as the land of the similarly situated persons has already been released.

The pleaded case of the petitioners is that they filed CWP-9376-2004 challenging the aforesaid acquisition of land and the same was disposed of with a liberty to them to represent their case before the Director, Town and Country Planning Haryana (DTCP) vide order 9.9.2008 (Annexure P-8). However, the representation of the petitioners was rejected by DTCP vide order Annexure P-9. Then the petitioners filed another CWP-1096-2013 challenging the acquisition proceedings as well as the order Annexure P-9. The said writ petition was dismissed in limine vide order dated 27.2.2013 (Annexure P-10). One another CWP-10184-2013 was filed by the petitioners with regard to constructed portion, but the same was also dismissed in limine vide order dated 13.5.2013 (Annexure P-11). After coming into force of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'), another CWP-7567-2014 was filed by the petitioners i.e. Raghubir Singh and another. The said writ petition was disposed of vide order dated 7.10.2015 with a direction to the authorities that in the event of representation made by the petitioners within a period of 2 months, their claim should be decided by passing a speaking order, after affording an opportunity of hearing to them. However, the representation of the petitioners was rejected vide order dated 8.9.2016 holding that they were not entitled for release of their land under Section 24(2) of the Act of 2013. On

this, the petitioners filed CWP-22241-2016. However, thereafter they had moved CM-9051-2020 therein with a prayer to permit the petitioners to withdraw the said writ petition with liberty to approach the respondent-State by way of filing of representation under Section 101(A) of the Act of 2013. Vide order dated 1.10.2020 passed by the Co-ordinate Bench, the aforesaid CM was partly allowed so far as it pertains to withdrawal of the abovementioned CWP but the aforesaid liberty had been declined. Resultantly, the said writ petition was ordered to be dismissed as being withdrawn. Again the present writ petition has been filed challenging the aforesaid acquisition proceedings.

We are of the view that the present writ petition cannot be entertained in view of the that fact the petitioners had earlier also approached this Court by filing above referred writ petitions, to seek the same relief, however, they remained unsuccessful. Resultantly, the present writ petition with the same prayer is not maintainable.

Accordingly, this writ petition is **dismissed**.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

10.03.2021
Gaurav Sorot

Whether reasoned / speaking? Yes

Whether reportable? Yes / No