

113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24223-2021

DECIDED ON: 30th NOVEMBER, 2021

ISHWAR DUTT

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM:HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.
HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sandeep Kumar Tada, Advocate
for the petitioner.

(PROCEEDINGS THROUGH VC)

AUGUSTINE GEORGE MASIH, J (ORAL)

The petitioner has approached this Court for issuance of a writ in the nature of mandamus directing the respondents for investigation and demarcation of 56 acres land falling in khasra No. 240/1/1 and Khasra No. 246 to 248, which was left for common use in consolidation scheme of Village Kaimri, by constituting a special investigation team comprising of officials with un-questionable integrity and thereafter to proceed for eviction of the persons who are in illegal possession.

A perusal of the pleadings would show that the petitioner had earlier approached this Court by filing CWP No. 25601 of 2014, *Ishwar Dutt vs State of Haryana and others,* wherein, despite the orders of ejectment having been passed in relation to the land which is the subject matter of the present petition as well, the possession was not being taken. This Court vide order dated 15th December, 2014 disposed of the said writ petition by giving directions to the Sub Divisional Officer (Civil), Hisar either to take cognizance himself on the subject matter or to decide the

controversy once for all, by passing a speaking order and to ensure filing of execution for recovering public land from the clutches of encroachers. Despite the said orders having been passed no steps were being taken for complying with the same. The petitioner filed COCP No. 1470 of 2015 wherein various orders have been passed by this Court. It is so pleaded that the said contempt petition is now listed for hearing on 25th March, 2022 and it is during the pendency of this contempt petition where the compliance of the order is being sought as has been passed in CWP No. 25601 of 2014 vide order dated 15th December, 2014, the present petition has been filed for the same cause of action for which already a direction had been issued.

We are of the considered view in the light of the above admitted factual position in the pleadings, the present petition for the same relief which has already been adjudicated and considered by this Court would not lie.

The present petition is dismissed being not maintainable.

(AUGUSTINE GEORGE MASIH)
JUDGE

30th NOVEMBER, 2021
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>