

- (1)

CWP-1290-1993 (O&M)
Date of decision:29.09.2023
- JASWANT SINGH AND OTHERS
- ...Petitioners
- Versus
- UNION TERRITORY CHANDIGARH AND OTHERS
- ...Respondents
- (2)
- CWP-10490-1992 (O&M)
- JEEWAN KUMAR AND OTHERS
- ...Petitioners
- Versus
- UNION TERRITORY CHANDIGARH AND OTHERS
- ...Respondents
- (3)
- CWP-1184-1995 (O&M)
- RAKESH KUMAR AND OTHERS
- ...Petitioners
- Versus
- UNION TERRITORY CHANDIGARH AND OTHERS
- ...Respondents
- (4)
- CWP-1501-1994 (O&M)
- JARNAIL SINGH AND OTHERS
- ...Petitioners
- Versus
- UNION TERRITORY CHANDIGARH AND OTHERS
- ...Respondents
- (5)
- CWP-2583-1995 (O&M)
- KARAMJIT SINGH AND OTHERS
- ...Petitioners
- Versus
- UNION TERRITORY CHANDIGARH AND OTHERS
- ...Respondents

(6)

CWP-725-1995 (O&M)

CHARAN DASS AND OTHERS

...Petitioners

Versus

UNION TERRITORY CHANDIGARH AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Anupam Gupta, Sr. Advocate with
Mr. Gautam Pathania, Advocate and
Mr. Sukhpal Singh, Advocate
for the petitioners.

Mr. Anil Mehta, Sr. Standing Counsel, U.T.
with Mr. Jaivir Chandail, Addl. Standing Counsel, U.T.

Mr. Ashu Kaushik, Advocate
for the applicant in CM-8666-CWP-2023.

SURESHWAR THAKUR, J. (ORAL)

1. Learned Senior counsel appearing on behalf of the petitioners has submitted that the instant challenge, as made to a common notification issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”), and, which became followed by a declaration made under Section 6 of the Act of 1894, became also the subject matter of challenge in CWP-15847-1990, decided on 15.07.1991, but thereons as divulged by (Annexure P-4), a verdict was made whereby the said challenge succeeded.

2. The learned counsel appearing for the U.T. Chandigarh, has been unable to place on any material suggestive, that the said verdict has been set aside, though by a verdict being made by the Hon’ble Apex Court,

on the apposite SLP, as became raised there, thus against the decision

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(supra), nor obviously has been able to place on record any material, suggestive that the said verdict became upheld by the Hon'ble Apex Court.

3. In the wake of the above, it appears that the verdict drawn on the writ petition (supra), has thus acquired finality, and, conclusivity. In sequel the successful challenge, thus common to the issue, as raised in the writ petition (supra), vis-a-vis, the challenge here, thus also is required to be vindicated by this Court.

4. In the wake of the above, this Court disposes of all the writ petitions, but if in case any fresh notification has been issued, thus subsequent to the makings of the verdict (supra), thereby the learned Senior counsel for the petitioners is assigned liberty to through instituting a fresh writ petition, rear a challenge thereto(s).

5. Disposed of accordingly.

6. It is expected that the said writ petition shall be instituted within a period of 3 weeks from today, and, till the institution of the said writ petition, the respondents are restrained from drawing any coercive action vis-a-vis the present petitioners. However, the said interim protection shall be subject to an order being made by the Writ Court, thus on the relevant application claiming interim relief.

7. Pending miscellaneous application(s), if any, stand(s), disposed of.

8. A photocopy of this order be placed on the file(s) of other connected case(s).

(SURESHWAR THAKUR)
JUDGE

29.09.2023

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(KULDEEP TIWARI)
JUDGE