

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CWP-4601-2023

Date of decision: 07.11.2023

Jailal and others

..... Petitioners

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA**

PRESENT: Mr. Neeraj Yadav, Advocate for the petitioners.

NIDHI GUPTA, J.

1. Prayer in the present writ petition filed under Article 226/227 of the Constitution of India, is for the issuance of writ in the nature of *Certiorari* for quashing of the impugned notification No. S.O.58/H.A.16/1994/S.3/2020 dated 24.12.2020 (Annexure P-1), whereby in exercise of power conferred under Section 3 of the Haryana Municipal Corporation Act, 1994, 29 villages of Municipal Area, Manesar have been notified as Municipal Corporation, Manesar; with a further prayer for staying the operation of the abovesaid impugned notification (Annexure P-1).

2. In the notes of the Index of the present petition at serial No. 3, it has been mentioned that the aforesaid notification is also pending challenge before this Court in CWP-5470-2021, 'Amarnath and others Vs. State of Haryana'. Perusal of order-sheet of the said CWP-5470-2021

shows that the aforesaid writ petition was first listed for hearing on 08.12.2022 when, as an adjournment slip had been circulated on behalf of learned counsel for the petitioners, the matter was adjourned to 08.05.2023. On 8.5.2023, the matter was adjourned yet again as another adjournment slip had been circulated on behalf of the petitioner; and the matter stood adjourned to 19.09.2023. The matter now stands adjourned to 18.01.2024.

2. Be that as it may, learned counsel for the petitioners has failed to apprise this Court of the fact that the very same notification had also been challenged before this Court by way of CWP-3710-2023, 'Kailash Kumar and another Vs. State of Haryana', which was dismissed as withdrawn by this Court vide order dated 23.02.2023. Said order dated 23.02.2023 is reproduced here-in-below: -

“Learned counsel for the petitioners prays for and is permitted to withdraw the petition.

As prayed, the petition is dismissed as withdrawn.”

When confronted with the order dated 23.02.2023, learned counsel for the petitioners submits that he has no intimation or knowledge of the said Civil Writ Petition No. 3710 of 2023. However, when it was pointed out that the said writ petition was filed by the very same counsel as the present one/ namely Sh. Neeraj Yadav, Advocate, learned counsel for the petitioner seeks a pass-over. In the second and third round, none has appeared on behalf of the petitioners.

3. In view of the above un-disputed fact that the aforesaid impugned notification No. S.O.58/H.A.16/1994/S.3/2020 dated 24.12.2020 (Annexure P-1 herein) was already challenged before this

Court by way of CWP-3710-2023 and the same was dismissed as withdrawn vide order dated 23.02.2023, we find no ground is made out to entertain the present petition and the same is hereby **dismissed**.

Pending applications, if any, stand disposed of.

**(RITU BAHRI)
ACTING CHIEF JUSTICE**

**(NIDHI GUPTA)
JUDGE**

18.10.2023

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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No