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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6010-2023 (O&M)

Date of decision:17.07.2023

KARAMBIR RATHI AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Sakal Sikri, Advocate for the petitioners.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

CM-11184-CWP-2023

On the oral of the learned counsel for the parties, the main case is taken up for hearing today.

CWP-6010-2023

1. The notifications under Sections 4 and 6 of the Land Acquisition Act, 1894, were respectively issued on 25.03.2010, and, on 22.02.2011. The said notifications were challenged by the petitioners, through theirs respectively instituting CWP-7858-2011, and, CWP-9962-2011. On the said writ petitions this Court through a common verdict drawn on 12.07.2013 (Annexure P-9) thus dismissed the writ petitions hence claiming reliefs that the said notifications be quashed, and, set aside.

2. The said dismissal order led the aggrieved-petitioners to cast thereagainst SLP No.31033/2013 before the Hon'ble Apex Court. However, the Hon'ble Apex Court, as revealed by an order (Annexure P-10) through its making the hereinafter extracted order, rather declined the espoused reliefs to the aggrieved-petitioners.

“In the facts and circumstances of the case and when it is pointed out that still the land in question is required for public purpose and the justification is shown why the land in question may not be released (by way of affidavit on behalf of respondent Nos.4 and 6), we see no reason to interfere with the impugned judgment and order passed by the High Court.

The Special Leave Petitions stand dismissed.

Pending application(s), if any, shall stand disposed of.”

3. Once the issue has attained finality upto the Hon’ble Apex Court, that the writ land is required for public purpose, again the petitioner, in order to retain their illegal possession, moved an application under Section 101-A of the Act of 2013, before the competent authority concerned. However, the said representation was also dismissed, while observing that the writ land is the main part of Bus Stand and is presently partly functional. In case of de-notification of a part of the total proposed land, it will affect the planning of the Bus Stand. The relevant reasons for making the declining order (supra), reads as under:-

“a. The purpose for which the land has been acquired very much exists and the purpose is clearly visible and essential.

b. xxx

d. Directorate of State Transport clearly requires the land of the applicants to complete the Bus Stand project and the purpose is neither unviable nor non-essential.”

4. The petitioner is unable to point out any plausible reason to establish, that the acquired writ land has become unviable or unessential for the State Government. The dismissal of the representation of the petitioners but subsequent to the entire subject matter contained therein, thus becoming conclusively decided, but obviously cannot empower the petitioners to yet seek to open a lis, which but has been as stated (supra), come to be rested through a binding, and, conclusive verdicts.

5. Therefore, the endeavour of the present petitioners to, re-open the said lis, is but, barred by the principle of *res judicata*. Consequently, the dismissal order, as made on the representation of the petitioners, post the making of the above binding, and, conclusive verdicts, is but a completely mis-constituted endeavour, and, thereby the instant writ petition thus challenging the said dismissal order also is but a completely mis-constituted endeavour.

6. Therefore, this Court finds no merit in the writ petition, and, is constrained to dismiss the instant petition. Annexure P-14 is maintained, and, upheld.

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

(SURESHWAR THAKUR)
JUDGE

17.07.2023

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No