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

CWP-10437-2022

Date of decision:18.08.2023

SUBEY SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

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

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep K. Manchanda, and
Mr. Shivan Garg, Advocate
for respondent No.3-HSVP.

SURESHWAR THAKUR, J. (ORAL)

1. Affidavit of Land Acquisition Officer, Urban Estate, Haryana, Gurugram, has been filed today in the Court, by the learned State counsel, which is taken on record.
2. The present petitioner had instituted CWP-11304-2015 before this Court. In the said writ petition the hereinafter extracted relief(s) were claimed against the respondent-State.

“i) A writ in the nature of Certiorari for quashing the impugned order dated 29.05.2015 (Annexure P-12) and notification dated 24.08.2000 issued under section 4 of the Land Acquisition Act, 1894 (Annexure P-1) and the notification dated 22.08.2001 issued under section 6 of the

Land Acquisition Act, 1894 (Annexure P-2), vide which the land of the petitioner has been acquired, and further, writ in the nature of Mandamus directing the respondents to release the land belongs to the petitioner measuring 2 Bigha 4 Biswa, whereas, the discriminatory manner as of malpractice adopted with regard to acquisition and release of similarly situated land under Acquisition and further, directing the respondents to consider the case and to release the properties as per Section 24(2) of the Act i.e. the Right of Fair Compensation and Transparency in the Land Acquisition Act, 2013 as the petitioner is still in possession, as per revenue record;

ii) Any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also issued;"

3. However, all the above stated reliefs are deemed to have become denied to the petitioner in the light of the fact that through an order made by the Division Bench of this Court on the writ petition (supra), on 29.03.2022, thus the said writ petition, on the asking of the learned counsel for the petitioner, became permitted to become withdrawn. Therefore, but there was a denial of all the above stated reliefs to the petitioner in the earlier round of litigation.

4. Consequently, since the earlier writ petition was inter parties or between litigants similar to the ones in the instant writ petition, also when the relief, as claimed in the instant writ petition, relating to the petitioner's lands being released from acquisition, was but obviously also claimed in the earlier writ petition, and, which led to a dismissal order (supra), being made thereon.

5. In sequel, the petitioner is completely estopped to re-canvass any ground or any plea, which earlier in a binding, and, conclusive manner became denied to the petitioner.

6. In view of the above, this Court finds no merit in the instant petition, and, is constrained to dismiss it with costs of Rs.25,000/-, and, the same

be forthwith deposited with the Treasurer, Punjab and Haryana High Court Bar Association, Chandigarh. However, compensation amount, as became earlier received, and, was in pursuance to earlier made directions of this Court, thus was re-tendered by the petitioner to the respondent-department concerned, thus the latter is directed to forthwith return the said DDs to the petitioner.

(SURESHWAR THAKUR)
JUDGE

18.08.2023

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(KULDEEP TIWARI)
JUDGE

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