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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8742-2023

Date of decision:14.07.2023

SARVANAND

...Petitioner

Versus

HARYANA SHEHRI VIKAS PRADHIKARAN AND ORS

...Respondents

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

Present: Mr. Rajesh Garg, Senior Advocate with
Ms. Neha Matharoo, Advocate
for the petitioner.

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

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner has accessed this Court for granting of twofold reliefs to him:

I) Writ lands be ordered to be released from acquisition;

*II) The same be done in terms of the order, as made by the
Hon'ble Division Bench of this Court vide Annexure P-6.*

2. Apart from reliance being placed by the learned senior counsel for the petitioner for the reliefs (supra), becoming accorded to the petitioner, thus on the basis of Annexure P-6, reliance is also placed upon Annexure P-1, contents whereof are extracted hereinafter. Therefore, the learned senior counsel for the petitioner submits, that the disputed lands are, at this stage neither viable nor

essential for any public purpose, thereby such lands be ordered to be released from acquisition.

“Learned counsel places reliance upon issuance of notice of motion in a petition involving similar points i.e. CWP No.168 of 2003. Primary contention of the learned counsel is that even though the joint inspection committee had made a recommendation in favour of the petitioner so as not to acquire the land but still the same has been notified under Sections 4 & 6 of the Land Acquisition Act, 1894.

Notice of motion for 3.5.2004.

Stay dis-possession, meanwhile.

To be listed alongwith CWP No.168 of 2003.”

3. The learned senior counsel for the petitioner, though has very vehemently argued to claim the above relief on the basis of Annexure P-6. However, the learned senior counsel for the petitioner cannot draw any leverage from Annexure P-6. The reason being that he was not added as a party in the array of writ petitioners, in the writ petitions whereons Annexure P-6 was drawn. Even if he was not added as a co-petitioner in the array of petitioners in the duo of writ petitions, which became decided, through an order comprised in Annexure P-6, yet if the present petitioner had a cause of action or a subject matter similar to the one(s) as embodied in the duo of writ petitions whereons Annexure P-6 became passed, thereby it was but imperative for the petitioner to ensure, the taggings of the present writ petition with the duo of writ petitions (supra). However, the above did not come to be done at the instance of the petitioner.

4. Contrarily, it is unfolded today before this Court by the learned State counsel that, an order contrary to the one as became comprised in Annexure P-6 rather became passed upon writ petition bearing No.CWP-2667-2004. If so, if an order contrary to the one, as embodied in Annexure P-6 did become passed on

CWP-2667-2004, thereby the said order has conclusive, and, binding effect, and, unless it is quashed, and, set aside or is recalled, but on the terms that the order is *prima-facie* required to be *in tandem* with the reliefs granted in Annexure P-6, thus on the ground that the averments, and, reliefs claimed in CWP-2667-2004 were but similar to the reliefs claimed in the duo of writ petitions whereon Annexure P-6 was passed, rather thereupto it has binding and conclusive effect. However, as above stated the above has not been done. Resultantly the final order passed in CWP-2667-2004 cannot be undone on the basis of the arguments (supra).

5. Consequently, the remedy, if any available to the writ petitioner is to seek review of the orders passed by this Court in CWP-2667-2004.
6. Disposed of with the above liberty.

(SURESHWAR THAKUR)
JUDGE

14.07.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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