

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

108

2023:PHHC:089780-DB

CWP-16327-2022 (O & M)

Date of Decision: 18.07.2023

Vijay Kumar Singla

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Tushar Wadhwa, Advocate,
for Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for issuance of a writ in the nature of certiorari quashing the impugned notice dated 10.05.2018 (Annexure P-6) whereby, recovery was fixed upon the petitioner to the tune of Rs.1,17,73,899/- in view of the fact that there was an order dated 13.09.2017 of the Apex Court in Civil Appeal No.13077 of 2017 arising out of SLP (C) No. 34957 of 2010 filed by the Municipal Corporation, Karnal regarding the compensation to be awarded and the cost of the allotted plots.

2. On 10.10.2022, it was noticed that a communication dated 04.10.2022 has been received by the petitioner and his brother whereby the amount of refund in their favour worked out at Rs.5,48,224/-. Resultantly, counsel had taken time to seek further instructions.

3. Today, an application for amendment of the writ petition (CM-67-GWP-2023) has been filed challenging the said communication itself. A

perusal of the same would go on to show that the share of both the petitioners works out to Rs.2,74,112/- per person and they have been asked to submit their cancelled cheques, PAN cards so that the amount can be paid to them. We have been informed by Mr. Bahri that the brother of the petitioner has already been paid and received his share.

4. Keeping in view the above, we are of the considered opinion that the cause of action, if any accrued, was on the earlier occasion, which no longer survives in view of the fact that there is refund in favour of the petitioner. In such circumstances, we do not feel it necessary to further proceed in the matter. If the petitioner has any grievance as such regarding compensation which was to be paid to him, it is open to him to approach the respondents for redressal of his grievances by filing appropriate application since it is settled principle that without the respondents having been approached, a writ of mandamus as such cannot be issued. In the interim period, the respondents have never been approached for the redressal of the grievances in any manner now claimed.

5. Accordingly, we are of the considered opinion that the writ petition is not maintainable at this stage and is dismissed as such including the application for amendment with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

18.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No