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

CWP-27159-2017

Date of decision:20.12.2023

GURPREET KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. J.S. Yadav, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab

Mr. D.V. Sharma, Sr. Advocate with
Mr. Suman Kumari, Advocate
for respondent No.3-BDA.

SURESHWAR THAKUR, J. (ORAL)

1. The prayer made in the instant writ petition is for quashing of acquisition proceedings, as, commenced under the Land Acquisition Act, 1894 (hereinafter referred to as “the Act of 1894”), thus through issuance of a notification dated 12.12.1974, under Section 4 of the Act of 1894, (Annexure P-3), and, through a notification dated 02.01.1978, issued under Section 6 of the Act of 1894, besides for the quashing of the award (Annexure P-5), as became made in pursuance thereof.

2. Learned counsel for the petitioners, has argued that since no compensation became either tendered nor became deposited nor thereby it was made available for being disbursed to the land-losers concerned, nor when any physical possession or rapat possession over the acquired

lands became assumed by the Acquiring Authority concerned, thereupon he forcefully submits, that the petitioners are entitled to become bestowed with the beneficent grace of the mandate of the Hon'ble Apex Court recorded in **"Indore Development Authority v/s Manoharlal and Ors.", reported in (2020)8 SCC 129.**

3. On the other hand, the learned counsel appearing for the contesting respondents submits, that the lis at hand, is completely covered by an earlier verdict, made by the Hon'ble Apex Court in Civil Appeal No.4904-05 of 1991, whereby, the earlier made affirmative verdict by this Court, inter-se parties which are similar, thus to the parties before this Court, in the instant writ petition, besides when therein the causes of action, and, reliefs are also similar to the one agitated in the instant writ petition, thus became quashed and set aside. Consequently, he argues that the doctrine of res judicata as arising from the above apposite commonality(ies) inter-se the earlier lis and the instant one, thus makes the writ reliefs to be not amenable for becoming granted to the writ petitioners.

4. The above made prayer is not contested by the learned counsel for the petitioners, as the evidently accomplished parameters, (supra), thus necessitate the application of the norm of constructive res judicata, to the instant proceedings, whereby the instant writ petitioners became completely estopped from re-accessing this Court.

5. Even otherwise, in the light of a specific contention being raised in the reply on affidavit instituted by the contesting respondent No.3, thus revealing, that not only possession through rapat No.731 of 11.07.1978, becoming assumed over the acquired lands, thus by the Acquiring Authority concerned, but also in contemporaneity to the makings of the award, thus compensation becoming delivered to the land-losers

concerned. Therefore too, the argument (supra), as made before this Court, by the learned counsel for the petitioners, does not hold any water, and, resultantly this Court does not become coaxed to render the writ relief (supra), vis-a-vis the petitioners.

6. For all the above reasons, this Court does not find any reason to allow the instant petition, hence the instant petition is **dismissed**.

(SURESHWAR THAKUR)
JUDGE

20.12.2023

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(SUDEEPTI SHARMA)
JUDGE

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