

**CWP-2929-2024****-1-**

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

(102)**CWP-2929-2024****DATE OF DECISION:- 18.07.2024****JAGDEEP SINGH****...PETITIONER****VERSUS****STATE OF HARYANA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Paramjit Singh Jammu, Advocate, for the petitioner.

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SUVIR SEHGAL, J. (Oral)

1. This is the second petition filed by the petitioner invoking Article 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari for quashing impugned orders dated 20.11.2017 and 02.01.2018, Annexures P-3 and P-4, respectively, by which, license of Ration Supply Depot has been suspended, as well as order dated 30.10.2018, Annexure P-5, passed by respondent No.2, whereby, appeal filed by him against the said orders, has been dismissed. The petitioner has further sought issuance of a writ of mandamus directing the respondents to restore the license of the Depot as also supply of essential goods and commodities.

2. First petition preferred by the petitioner laying challenge to the same orders, with a verbatim prayer, bearing CWP-3693-2019, came up for hearing before this Court, and was withdrawn, vide order dated 03.12.2019, Annexure P-8, which is reproduced hereunder:-



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“Challenge in the instant petition is to the action of the respondent authorities in having canceled the license of the petitioner pertaining to a Ration Depot at Village Gadrana, District Sirsa.

Counsel for the petitioner makes a statement at the bar that he has instructions from the petitioner not to pursue the instant writ petition.

As per statement suffered by counsel, instant petition is dismissed as not pressed.

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

3. It is evident from the above reproduced order that the petitioner had on his own volition withdrawn the writ petition from this Court. A paper book of the first writ petition has been examined. Not only petitioner has claimed the same relief, but even the grounds of challenge, in both the petitions, are similar. This Court is, therefore, of the view that the instant writ petition cannot be entertained.

4. A Full Bench of this Court in ***Teja Singh Versus Union Territory of Chandigarh and others, AIR 1982 P&H 169***, has held that provision of Order XXIII Rule 1, CPC, becomes applicable to writ proceedings by virtue of Rule 32 of Writ Jurisdiction (Punjab and Haryana) Rule, 1976, and it has a salutary effect as it would minimize to a great extent the chances of the abuse of the process of the Court. The Full Bench was of the view that a litigant has a right to withdraw his petition and in case he wishes to file a fresh petition on the same cause of action, permission of the Court has to be taken and for this purpose, proper legal foundation has to be laid.

5. A perusal of the above reproduced order passed on the first petition shows that the petitioner never sought any permission or liberty from this Court to approach the Court again. On a specific query, counsel for the petitioner

submits that the petitioner had withdrawn the writ petition, as he wanted to

approach the respondent-authorities, which he has done by sending a representation dated 24.07.2023, Annexure P-9. Mere submission of a representation, Annexure P-9, after the withdrawal of the previous writ petition without any liberty, would not furnish a fresh cause of action. Petitioner is estopped from challenging the same orders again in view of the bar under Order XXIII Rule 1, CPC.

6. For the afore-going reasons, instant petition is dismissed, being barred by doctrine of the res judicata.

(SUVIR SEHGAL)
JUDGE

18.07.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes