

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

208

CWP-17472-2017
Date of Decision: 11.01.2024

KEWAL KRISHAN KAPILA

... Petitioner

VERSUS

PERMANENT LOK ADALAT FOR PUBLIC UTILITY SERVICES,
ROOPNAGAR THROUGH ITS CHAIRMAN AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Mr. Sumit Batra, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the impugned Award dated 31.07.2015 (Annexure P-8) passed by the Permanent Lok Adalat (Public Utility Services), Roopnagar on the application under Section 22-C of the Legal Services Authorities Act, 1987, whereby it was ordered to proceed against the petitioner under Section 195 of Cr.P.C. and a show cause notice pursuant thereto had been issued on 24.05.2017.

It is not in dispute that the abovesaid Award passed by the Permanent Lok Adalat (Public Utility Services), Roopnagar was subject matter of challenge in CWP No.16426 of 2015. The abovesaid writ petition was disposed of as having been rendered infructuous vide order dated 16.12.2016 granting a liberty to the petitioner to seek revival of the said writ petition on seeking latest instructions regarding the compromise between the parties, if any.

Pursuant to the disposal of the above mentioned writ petition as having been rendered infructuous vide order dated 16.12.2016, a show cause notice dated 24.05.2017 was served upon the petitioner as to why a criminal complaint in terms of the Award dated 31.07.2015 be not instituted against the petitioner. On receipt of the said notice, the petitioner preferred Civil Misc. Application No.9447-CWP-2017 for seeking recalling/review of the order dated 16.12.2016 passed in CWP No.16426 of 2015. The abovesaid application was also withdrawn by the counsel for the petitioner with liberty to seek appropriate remedy in accordance with law. The petitioner has thereafter preferred the instant writ petition raising a challenge to the said Award passed by the Permanent Lok Adalat (Public Utility Services), Roopnagar.

Since the earlier writ petition in relation to the said Award has already been disposed, second writ petition raising a challenge to the same would be hit by the principles of *res-judicata* and would not be maintainable.

At this stage, learned counsel for the petitioner seeks withdrawal of the present petition so as to avail his appropriate remedies in accordance with law for redressal of his grievance.

Counsel for the respondents has no objection to the same.

Disposed of as withdrawn with the liberty as aforesaid.

JANUARY 11, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No