



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

LPA No.2997 of 2024 (O&M)

Date of Decision: 09.12.2024

Mohinder Singh

...Appellant

Versus

The State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA  
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. G.S. Dhindsa, Advocate,  
for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

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**G.S. SANDHAWALIA J. (Oral)**

Challenge in the instant Letters Patent Appeal is to the judgment dated 23.10.2024 passed by learned Single Judge in **CWP No.22313 of 2024** filed by the present appellant which had been dismissed on the ground that on earlier occasions, the appellant-petitioner had filed **CWP No.16940 of 2024** while raising challenge to the impugned order dated 14.06.2024 passed by the Collector (Panchayat Land)-District Development and Panchayat Officer, Patiala which had allowed the petition under Sections 4 and 5 of the Public Premises and land (Eviction and Rent Recovery) Act, 1973 filed by Gram Panchayat-respondent No.4.

2. Learned Single Judge was of the opinion that earlier writ petition was withdrawn before him on the said date with liberty to avail



their other remedies, in accordance with law. By filing second writ petition, the petitioner, in paragraph 15 of the writ petition, has specifically mentioned for having withdrawn of the earlier writ petition which had come before the same Bench which led to the impugned order being passed.

3. We are of the considered opinion that having withdrawn the earlier writ petition on earlier occasion to avail his alternative remedy to withdraw, the second writ petition was not maintainable on the same cause of action and resultantly, the learned Single Judge has rightly dismissed the second writ petition. The second writ petition was also filed by the same counsel only by placing reliance upon ***Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai 1999(1) R.C.R. (Civil) 220***. The said judgment was always available to the appellant when he filed the first writ petition and therefore, merely because of referring to the said judgment at the time of filing the second writ petition would not give a fresh cause of action.

4. Resultantly, having agreed to the fact that there is an alternative remedy on earlier occasions, we do not think that at this stage, any effective orders can be passed in favour of the appellant, as the second writ petition was not maintainable on the same cause of action. Thus, there is no error in the order passed by learned Single Judge relegating the petitioner. However, keeping in view the fact that the appellant is consistently and persistently trying to protect his possession by way of filing civil suit etc., if the appeal is filed by him within a period of four weeks from today, the Appellate Authority shall consider the same on merits.



- 5.                      With the above-said observations, the instant petition is disposed of.
- 6.                      All the pending application(s) stand disposed of accordingly.
- 7.                      File of RSA be de-tagged and listed on the date fixed.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**December 09, 2024**  
seema

**(MEENAKSHI I. MEHTA)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes*  
*Whether Reportable:*                                      *No*