
(2013) 07 P&H CK 0875
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 13450 of 2012 (O and M)

Munesh Kumar and Others

APPELLANT

Vs

State of Haryana and Ors

RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0875

Hon'ble Judges : Surya Kant, J; Surinder Gupta, J

Bench : Division Bench

Advocate : Anshuman Mandhar, for the Appellant; S.S. Pattar, D.A.G. Haryana, Mr. Naveen Sheokan, Naveen S. Bhardwaj, Advocates for the Respondent No. 4, Mr. Aashish Chopra, Advocate for the Respondent No. 6, Mr. M.L. Sarin and Mr. Nitin Sarin, Advocate for the Respondent No. 7, for the Respondent

Judgement

Surya Kant, J.—The petitioner seeks quashing of the notifications dated 15.04.2011 and 10.04.2012 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (in short, "the Act"). They also seek a direction for cancellation of License No. 165 of 2008 dated 08.09.2008 (Annexure P5) and Licence No. 12 of 2010 dated 03.02.2010 (Annexure P 13) issued in favour of respondent No. 6 & 7 M/s. Gentle Realtors Pvt. Ltd. and Rakesh Kaushik, Collaborator of respondent No. 6, respectively. The record reveals that after issuance of notice to the respondents, this Court vide order dated 18.02.2013 directed the parties to maintain status quo but later on the interim stay was vacated on 28.05.2013 apparently for the reason(s) stated hereinafter.

2. The private respondents have along with their replies/affidavits placed on record copy of the order dated 23.03.2011 passed by a co-ordinate Bench of this Court dismissing petitioner's earlier CWP No. 3970 of 2011 (Dev Dutt and others v. State of Haryana and another) on identical is-sue(s). The respondents contend that the petitioners while filing this second petition have not approached this Court with clean hands.

3. Having heard learned counsel for the parties, we are of the considered view

that none of the contentions raised by learned counsel for the petitioners need be gone into by this Court for the reason that earlier writ petition filed by the petitioners on the same issue was dismissed by this Court by passing a well reasoned order dated 23.03.2011, wherein also, challenge was laid to Licence No. 165 of 2008 granted to respondent No. 6.

4. The factum of filing of the above-stated writ petition has been concealed by the petitioners in the present writ petition. It also deserves to be mentioned that the second licence which was not under challenge in the previous writ petition i.e. Licence No. 12 of 2010 issued in favour of respondent No. 7 already stands cancelled. For the reasons afore-stated, the writ petition is dismissed.