
(2008) 02 P&H CK 0174
In the Punjab And Haryana At Chandigarh

Sher Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 06-02-2008

Acts Referred:

Citation : (2008) 02 P&H CK 0174

Hon'ble Judges : Tej Pratap Singh Mann, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant petition is directed against order dated 28.5.2003 (Annexure P.16) passed by respondent No. 2 refusing to release the land of the petitioner from acquisition. The afore-mentioned order was passed in pursuance to the directions issued by a Division Bench of this Court in CWP No. 3750 of 2003 "Sher Singh v. State of Haryana and Ors." decided on 7.3.2003 (Annexure P.15). The afore-mentioned order came up for consideration of this Court in CWP No. 17068 of 2002 "Sher Singh v. State of Haryana and Ors." decided on 21.5.2004 (Annexure R.1). The Division Bench after noticing the arguments has rejected the same by observing as under:

Dissatisfied with the determination at the hands of the respondents and alleging that the objections raised by the petitioner had not been disposed of, the petitioner issued a legal notice dated 20.9.2002. Since the aforesaid legal notice did not flow from any statutory rights vested in the petitioner under the Act, no decision was rendered thereon by the respondents. It was in the aforesaid circumstances, that the petitioner approached this Court by filing CWP No. 3750 of 2003. The aforesaid writ petition was disposed of on 7.3.2003 with a direction to the respondents to take a final decision on the legal notice dated 24.1.1003, by passing a speaking order within two months of the date of receipt of certified copy of the order passed by this Court. In furtherance of the directions issued in CWP No. 3750 of 2003, the Director Urban Estates passed a speaking order dated 28.5.2003 recording therein, that it was not possible to release the

petitioner's land from acquisition because its release would disturb the planning/development of residential Sector 15, Yamunanagar.

2. Therefore, the prayer made by the petitioner cannot be accepted.

3. The other prayer for issuance of direction to the respondents not to include his land in the Urban Estate, Jagadhri would also not survive nor the prayer for re-deciding the legal notice dated 24.1.2003 (Annexure P.14) would survive once order dated 28.5.2003 (Annexure P.16) has been upheld. However, no opportunity is provided for cancelling the adjudication made by the Division Bench vide order dated 21.5.2004 in CWP No. 17068 of 2002 (Annexure R/1). On the contrary learned Counsel for the petitioner kept on arguing that the matter is entirely different. The contention is wholly misconceived and does not deserve to be accepted.

4. Accordingly the writ petition is dismissed.