

Shashi Chouhan Vs Union of India (UOI) and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: April 28, 2011

Hon'ble Judges: Rakesh Kumar Garg, J; Jasbir Singh, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

Jasbir Singh, J.

This writ petition has been filed with the following prayer:

(iv) a writ in the nature of commanding the Respondents authorities to release the amount of compensation to the Petitioner as her land has been

acquired, i.e., khasra No. 371 total measuring 6 Bigha 7 Biswa and the cheque of the compensation amount has also been prepared to release the

amount of compensation after passing of the award and the possession has also been taken by the Respondents authorities and the construction of

the National Highway is going on war footing but the Respondents authorities have not released the amount of compensation to the Petitioner for

the reasons best known to them, rather the Respondent No. 3 is putting of the matter on the one pretext or the other or because of some

extraneous consideration as he wants to extract some money from the Petitioner for the release of the amount of compensation and further the

Respondent No. 3 be directed not to disturb / distort the record of the cheques which has been prepared and the entry has been made in register

as well and lying with the Respondent No. 3 and the said record be kept sealed so that the Respondent No. 3 may not change or distort the same

as he has retained the said cheques with him with some malafide intention as he expects some money from the Petitioner that is why he is playing

hanky-panky with the Petitioner.

Or

This Hon"ble High Court may also pass any other order, writ or direction which this Hon"ble Court may deem fit and proper in the peculiar facts

and circumstances of the case.

2. At the time of arguments, it came to our notice that earlier also, Petitioner had filed Civil Writ Petition No. 17259 of 2010. Record of that case

was called from the Registry. On perusal thereof, it transpires that virtually the dispute, which has been agitated in the present writ petition, was

also subject matter of the writ petition, earlier filed. Counsel for the Petitioner has failed to make out a case for filing fresh writ petition on the same

cause of action. In CWP No. 17259 of 2010 (earlier filed) it was prayed that the compensation for the land measuring 6 Bighas 7 Biswas be not

disbursed to somebody else and now, in this case a prayer has been made to release the amount of compensation to the Petitioner. Even if it is

presumed for the sake of arguments that the relief now claimed is permissible, we are of the view that the relief should have been claimed in the

earlier writ petition. No case is made out for interference. Dismissed.