



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

110

CWP-12246-2026

Date of decision: 23.04.2026

Vasu

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasvinder Rao, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order/letter dated 21.03.2018 (Annexure P-6), dated 21.06.2019 (Annexure P-11) and dated 23.10.2025 (Annexure P-16). Further a writ of *mandamus* has been sought, directing the respondents to grant appointment to the petitioner on account of acquisition of 2 acres of land belonging to his family, along with all consequential benefits including arrears of pay.

2. Learned counsel for the petitioner has, *inter alia*, submitted that the land belonging to the petitioner's family was acquired for establishment of Indira Gandhi Super Thermal Power Project, Jharli, pursuant to a Notification dated 12.04.2007, issued under the Land



Acquisition Act, 1894. It is contended that as per the policy of the State Government, one member of each family, whose land measuring 2 acres or more has been acquired, is entitled to employment. The petitioner's grandfather expired on 13.02.2009 and his father expired on 31.05.2012. On 02.07.2014, the Department of Revenue prepared a list of landowners whose 2 acres or more land was acquired. Vide impugned order/letter dated 21.03.2018 (Annexure P-6), respondent No. 3 returned the petitioner's application stating it was "over and above" the list of 293 land oustees frozen for employment vide memo dated 02.08.2013. The petitioner again applied on 03.05.2018 with his qualifications and affidavits of no objection from other family members as discernible from Annexures P-7 to P-9, respectively. Thereafter, a legal notice was also served on 06.03.2019, which was again rejected by the respondents by reiterating the same ground. This Court in CWP No.19835 of 2017 and connected petitions vide order dated 20.08.2019 (Annexure P-12) has set-aside the impugned action of the respondents and held that the rejection of claims on the basis of exclusion from the list of 293 land oustees was unsustainable and reflected non-application of mind and remitted the matter for fresh consideration in accordance with law. Learned counsel for the petitioner has further submitted the petitioner had earlier approached this Court by filing CWP No.8806 of 2021, which was withdrawn on 23.04.2021, with liberty to approach the higher authorities and thereafter a representation was filed, however, the same was rejected.



3. *Per contra*, learned State counsel as well as learned counsel for respondents No.2 and 3 have submitted that on 23.08.2024, a policy decision was taken to close the special scheme for all intents and purposes. Learned counsel for respondents No.2 and 3 has further contended that this Court has already dismissed the claim of the similarly situated land oustees vide judgment dated 30.01.2025 passed in **CWP No.2536 of 2025**, titled as **Satbir vs HPGCL & Others**, **CWP No.2986 of 2025**, titled as **Munish Kumar vs. SoH & Others**, **CWP No.2987 of 2025**, titled as **Nitish vs. SoH & Others and CWP No.3031 of 2025**, titled as **Raj Kumar vs. SoH & Others**, filed by the land oustees of RGTPP, Khedar, Hisar.

3.1. Learned counsel for respondents No.2 and 3 has further submitted that the present writ petition is not maintainable in view of the fact that the petitioner had earlier filed a writ petition on the same cause of action and withdrew the same without seeking liberty to file a fresh petition before this Court.

3.2. Learned State counsel further submits that apart from the bar of maintainability, the present petition is also liable to be dismissed on the ground of delay and laches, inasmuch as the impugned orders pertain to the years 2018, 2019 and 2025 whereas the petitioner has approached this Court without any satisfactory explanation.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.



5. It is not in dispute that the petitioner had earlier approached this Court by filing CWP No. 8806 of 2021 challenging the same cause of action, which was dismissed as withdrawn. For a ready reference, the order dated 23.04.2021 passed in CWP No. 8806 of 2021, is reproduced hereunder:-

“After arguing for some time, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to raise the grievance as raised in the present writ petition before the higher authorities such as Managing Director, Haryana Power Generation Corporation Limited or the Deputy Commissioner, Jhajjar i.e. respondents No. 2 and 5 as the case may be.

Ordered accordingly.”

5.1. A perusal of the aforementioned order clearly shows that the writ petition i.e. CWP No. 8806 of 2021 was dismissed as withdrawn without seeking any liberty to file a fresh petition before this Court.

6. The legal position with regard to maintainability of a subsequent writ petition in such circumstances stands settled by the Hon’ble Supreme Court in ***Sarguja Transport Service v. State Transport Appellate Tribunal***, 1987(1) SCC 5, wherein it has been held that where a writ petition is withdrawn without permission to file a fresh petition, a second writ petition on the same cause of action is not maintainable. The principle underlying Order XXIII Rule 1 CPC has



been extended to writ proceedings on the grounds of public policy to prevent abuse of process of Court.

7. In view of the aforesaid authoritative pronouncement, once the petitioner has withdrawn his earlier writ petition without seeking liberty to file a fresh petition, he is precluded from invoking the writ jurisdiction of this Court again on the same cause of action.

8. Even otherwise, this Court finds that the present writ petition suffers from gross delay and laches. The primary cause of action arose in the year 2018 and thereafter in 2019, yet the petitioner has approached this Court after a considerable lapse of time. No plausible explanation has been furnished by the petitioner to justify such delay.

9. In view of the above, this Court is of the considered opinion that the present writ petition is not maintainable both on account of the bar laid down by the Hon'ble Supreme Court in in *Sarguja Transport's case (supra)* as well as on the ground of delay and laches.

10. Consequently, the present writ petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

23.04.2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No