

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.20960 of 2016
Date of decision:05.10.2016**

Om Parkash

...Petitioner

Versus

Municipal Corporation, Gurgaon and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.J.S.Hooda, Advocate for the petitioner

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondent-Municipal Corporation to demolish the five storey building constructed by respondent No.2 .

Heard learned counsel for the petitioner.

A bare perusal of the writ petition would show that the petitioner was conveniently silent about the month or year of construction raised by respondent No.2 for construction of his five storey building. When confronted in this regard, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. He refers to the official communications Annexures P-2 and P-3, issued by the respondent-Municipal Corporation to respondent No.2, but the petitioner still does not feel satisfied. He wants that building of respondent No.2 must be demolished immediately. Again, no reason has been pointed out for this pressing urgency, particularly when age of five storey building of respondent No.2 is not known to the petitioner.

In fact, under these circumstances, petitioner would have no locus standi to file and maintain the instant writ petition, particularly when the concerned authorities of the respondent-Municipal Corporation are already seized of the matter. It seems that the petitioner wants to settle his personal score with respondent No.2. The present writ petition has been filed with an ulterior motive to cause maximum loss, prejudice and harassment to respondent No.2, so as to satisfy his own ego by misusing the process of law. Under these circumstances, it can be safely concluded that the present one is not only an unwarranted and avoidable litigation, but it is also a frivolous and motivated one, which is liable to be dismissed.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out. However, petitioner would be at liberty to pursue his remedy, if any, with the respondent authorities, if so advised.

Resultantly, with the above-said observations made, the present petition stands dismissed, however, with no order as to costs.

05.10.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No