

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

**CWP No. 8654 of 2016
Decided on : 05.05.2016**

Krishan Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

PRESENT: Mr. Rajesh Arora, Advocate
for the petitioners.

Mr. Adarsh Jain, Advocate and
Mr. Sagar Deswal, Advocate
for caveator-respondent No.6.

AJAY KUMAR MITTAL, J. (Oral)

The prayer made by the petitioners in this writ petition filed under Article 226 of the Constitution of India is for quashing the letter dated 28th March, 2011 (Annexure P-6), whereby, permission for Change of Land Use (for brevity 'CLU') has been granted to respondent No.6 for setting up ICD and Warehouse at village Asavati, Deeg & Pyala, District Faridabad/Palwal. A caveat has been filed by respondent No.6, in whose favour the CLU has been granted.

2. It was pointed out by the learned counsel for the caveator that the petitioner had earlier approached this Court by way of **CWP No. 4938 of 2014**, titled as '**Kishan Singh Vs. State of Haryana and others**', which was dismissed by this Court vide order dated **March 14, 2014**. The said order was further challenged before the Apex Court by way of **SLP(C) No. 15994 of 2014**, titled as '**Kishan Singh Vs. State of Haryana and others**', which was also dismissed vide order dated **18th July, 2014**. It was also pointed out by the learned counsel for the caveator that a civil suit had earlier been filed by the

petitioner before the order was passed by this Court in the earlier writ petition, which is pending before the Civil Court. Learned counsel for the caveator argued that since none of these facts have been mentioned in the present writ petition, therefore, the writ petition is liable to be dismissed on the ground of concealment of material facts itself. However, learned counsel for the petitioners controverted the same by urging that the relief as claimed in the present writ petition is with regard to the CLU permission, which was not claimed in the earlier writ petition as it came to the notice of the petitioners subsequently under the Right to Information Act, 2005 (in short 'Act of 2005').

3. We find that the essential facts have not been narrated by the petitioners in the writ petition. Further, it was incumbent upon the petitioners to have challenged the grant of CLU in favour of respondent No.6 by obtaining appropriate and necessary documents at the time of filing the earlier writ petition. Thus, the present writ petition is not only frivolous and abuse of process of law and is also hit by Order 2 Rule 2 of the Code of Civil Procedure (in short 'CPC').

4. When this Court observed that the present writ petition was not only frivolous but was also an abuse of the process of the Court of Law in the facts and circumstances and as to why heavy costs be not imposed on the petitioners for wasting the time of the Court, learned counsel for the petitioners submitted that he may be allowed to withdraw the present writ petition.

5. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(SHEKHER DHAWAN)
JUDGE

May 05, 2016

J.Ram