

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.47 of 2016

Date of Decision:-15.01.2016.

Shri Ram Dham Colony Welfare Association

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Naveen Batra, Advocate for the petitioner.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal is directed against the order dated 22.9.2015 whereby learned Single Judge has dismissed the appellant's writ petition with exemplary costs of ₹ 50,000/-. The costs have been imposed after holding that the writ petition lacked *bona fide* and was instituted to settle personal scores.

2.) Learned Single Judge has further held that the photographs relied upon by the appellant (P-5) were not of the residential premises being renovated/repared by the contesting respondents.

3.) It was further observed that the photographs placed on

record by the respondents (R-5/2 to R-5/4) clearly show that no multi-storeyed building like a hospital has been constructed.

4.) It may be mentioned here that these findings have been returned by learned Single Judge in the backdrop of the appellant's allegations that the respondents were constructing a multi-storeyed hospital at the residential site. The respondents came forward and disputed the appellant's claim maintaining that the site is originally for residential purpose only and there exists a residential house constructed way back in the year 1946 which has only been repaired and renovated and no multi-storeyed hospital is being constructed.

5.) We have heard learned counsel for the appellant at a considerable length and gone through the record.

6.) In the instant appeal also, the appellant has nowhere mentioned that the photographs relied upon by it (P-5) are of the new building allegedly constructed by the respondents. In these circumstances, the observations made by learned Single Judge on a question of fact warrant no interference.

7.) Faced with this, learned counsel for the appellant submits that the order re: imposition of heavy costs may be modified. In our considered view, the costs have been imposed by learned Single Judge in exercise of his discretionary powers. The appellant, if so advised, may move an application before the learned Single Judge regretting its/his past conduct and assuring that it/he shall be careful in future. We have no reason to doubt that learned Single Judge will

consider such application sympathetically.

8.) With liberty afore-said, the appeal is dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

January 15, 2016.

sandeep sethi