

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

**CWP No. 14584 of 2018 (O&M)
DATE OF DECISION :30.10.2018**

Sandeep Jain and others

...Petitioners

versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Kunal Dawar, Advocate,
for the petitioners.

Mr. Samrath Sagar, Addl. AG, Haryana.

Mr. R. S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate.

MAHESH GROVER, J. (ORAL)

CM NO. 16460 OF 2018

CM is allowed, as prayed for.

Rejoinder is taken on record, subject to all just
exceptions.

CM NO. 16461 OF 2018

CM is allowed, as prayed for.

Reply to the application is taken on record, subject to
all just exceptions.

CWP NO. 14584 OF 2018 (O&M)

After arguing for some time, learned counsel for the
petitioners, on instructions from the petitioners, some of whom
are present in person, submits that he be permitted to withdraw

the instant petition with liberty to take recourse to alternative remedy available to them, in accordance with law.

The petition stands dismissed as withdrawn with liberty to the petitioners to avail alternative remedy available to them, in accordance with law.

(MAHESH GROVER)
JUDGE

(ARUN MONGA)
JUDGE

OCTOBER 30, 2018

shalini

Before signing the above order, when we reassembled for an urgent matter listed before us in a supplementary cause list, learned counsel for the petitioners turned around to say that the petitioners are now resiling from their statements and do not want to withdraw the petition.

We had, during the course of hearing, disclosed our mind conclusively to the petitioners of their dishonest stand which impression is now more than strengthened, as they have demonstrated so by their conduct. We may notice that this request has been made now in the absence of learned counsel for the respondents.

The petitioners had earlier filed a petition bearing CWP No.12144 of 2017. Eight out of nine petitioners in the instant writ petition, were petitioners in that writ petition as well. Initially when the writ petition No.12144 of 2017 was filed, a status-quo order was passed in favour of the petitioners, but eventually the

order was modified on 09.06.2017. Thereafter, the petitioners conveniently withdrew that writ petition. Now the instant petition has been filed by the representatives of the association in their personal capacity though the cause espoused in the present petition is identical to the one, which was agitated in the earlier petition. Evidently, the present petition is a dishonest attempt to rake up the issue once again, after same very persons had agitated so in the earlier petition.

We also see from the petition, a dishonest group of people, who are probably trying to settle some scores by abusing the process of law. No permission was sought to file a fresh petition on the same cause of action while withdrawing the earlier one and the instant petition offers no explanation, except to state that the cause is now being espoused is by members of the association in their individual capacity. We also notice that at least 06 of these persons have filed proceedings before the National Consumer Commission. We had, in the order dated 09.06.2017, while vacating the interim order granted earlier, delineated the controversy and it was open to the petitioners to take it to its logical end. Having failed to do so and after withdrawing the petition willingly, without permission to file a fresh one, we would not permit the present group of people to rake up the issue once again. If such a course is permitted, then it is quite possible that some other persons might spring up to file another petition. When the association filed the petition, it did

not disclose the list of members and by interfering in the present petition, we would possibly be fanning aspirations of others, who are not before us. We would clearly deprecate such a practice adopted by the petitioners of filing successive petitions in a manner that can be dubbed dubious with a dishonest attempt. The writ petition was withdrawn by very same persons who had filed it originally on the strength of resolution of the association.

Since valuable time of the Court has been wasted intentionally by filing frivolous petition and then after arguing at length, first seeking permission to withdraw the present petition but taking a somersault later on, we are of the opinion that the petition deserves to be dismissed with costs of ₹1,00,000/-. Ordered accordingly. The costs be deposited with the Legal Services Authority, Gurugram, within a period of two weeks. It shall be the duty of Chief Judicial Magistrate, Gurugram to effect recovery of costs from the petitioners, if not deposited before him within the period stipulated.

A copy of this order be sent to to the CJM, Gurugram, for compliance.

(MAHESH GROVER)
JUDGE

(ARUN MONGA)
JUDGE

OCTOBER 30, 2018
shalini

Whether speaking/reasoned :	yes/no
Whether reportable :	yes/no