

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

**Civil Writ Petition No.21882 of 2018
Decided on : 04.09.2018**

Amandeep Singh

... Petitioner

Versus

Central Public Works Department, Chandigarh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Aditya Grover, Advocate
for the petitioner.

Mr. Jagjit Singh, Advocate
Local Commissioner

G.S. Sandhawal, J. (Oral)

The report of the Local Commissioner, Mr. Jagjit Singh has been filed in the Court today, who visited the premises.

An adverse report in view of the order dated 30.08.2018 has been received against the petitioner who is an allottee of the Government accommodation. On 30.08.2018, it has been found that the petitioner's Identity Proof was not recognized by the neighbours and, therefore, it has been confirmed that he is not residing there. It is, thus, apparent from the record that the petitioner surfaced at the later point of time at 5:00 PM and the neighbours disclosed that one family of Arun Kumar is residing in this house. On 30.08.2018, the following order was passed:-

“The contention raised against the order of cancellation of allotment is that the petitioner is still residing at H.No. 440 Type 1, Sector 7-A, Chandigarh, which was allotted to him on 17.06.2013 (Annexure P-2) on account of the petitioner being appointed as a

Mate. It is the grouse of the petitioner that in spite of various documents showing proof of residence of the said house, the order of cancellation of allotment has been passed on 22.08.2017 (Annexure P-8) which has been upheld in appeal on 05.06.2018 (Annexure P-14) and resultatnly, order of eviction is there.

On account of the specific contention raised that the petitioner continues to be in occupation of the premises in question, Mr. Jagjit Singh, Advocate is appointed as a Local Commissioner to inspect the premises in question at 2.00 p.m. today itself and give a report as to whether the petitioner is in occupation of the said premises and whether it has been sublet. It will be open for him to make enquiry from the immediate neighbours as such as to who is residing in the premises in question.

The case is taken up at 12.45 p.m. A sum of Rs.10,000/- will be payable by the petitioner to the said Local Commissioner.

Adjourned to 04.09.2018.

It is made clear that in case there is an adverse report as such against the petitioner, the petition will be liable to be dismissed with exemplary costs.

In the meantime, dispossession of the petitioner shall remain stayed.

Copy of the order be given under signatures of the Special Secretary of the Court.”

Thus, it is clear that the writ petition is liable to be dismissed with exemplary costs.

Faced with this situation, counsel for the petitioner prays for liberty to withdraw the petition as he does not wish to press the same.

Accordingly, the petition is dismissed as not pressed and the petitioner is not liable to be heard on merits and in view of the judgment of the Apex Court in **M/s Prestige Lights Ltd. Vs. State Bank of India 2007 (8) SCC 449** for wasting the time of this Court and for unnecessary

litigation which has been foisted upon the Court, the petitioner is liable to pay a sum of ₹25,000/- as costs to be deposited with the Registrar General of this Court, to be contributed to the Kerala Relief Fund.

In case the amount is not deposited within a period of one month from today, the respondents will deduct the amount from the pay of the petitioner and deposit it for the above said purpose.

SEPTEMBER 04, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No