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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 125/2020 & CM No.359/2020
VINOD KUMAR Petitioner
Through: Mr.S.K.Jain, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Aman Preet Singh, Mr.Karanjeet Rai
Sharma, Advs. for R-1.
Mr.Amit Sinha, Mr.Vaibhav Pratap Singh, Advs.
for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **08.01.2020**

This petition has been filed by the petitioner alleging unauthorized construction being carried out by the respondent no.3 in property bearing No.G-170, Harkesh Nagar, Phase-II, New Delhi-110020.

The learned counsel for the respondent no.2, who appears on an advance notice, submits that the present petition is a gross abuse of the process of this Court. Drawing reference to the order dated 13.12.2019 passed in WP(C) No.13107/2019 titled as ***Rajinder vs. South Delhi Municipal Corporation & Ors.***, he submits that the said petition had also been filed alleging unauthorized construction in the same property. The said petition was dismissed by this Court by an order dated 13.12.2019. He further refers to the Vakalatnama filed with the present petition to submit that Vakalatnama has been signed by Ms.Archana Shahi, Advocate who was the Advocate in the earlier

petition as well, however, there is absolutely no disclosure of the earlier petition.

I find merit in the submission made by the learned counsel for the respondent no.2.

The petition does not disclose the earlier petition and the dismissal thereof by the order dated 13.12.2019. This is a clear case of gross abuse of the process of this Court. The exercise of power under Article 226 of the Constitution of India being discretionary in nature, such act cannot be countenance.

The present petition is therefore, dismissed with cost quantified at Rs.5,000/- to be deposited with the DHCBA Employees Welfare Fund.

NAVIN CHAWLA, J

JANUARY 08, 2020
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