

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 16794 of 2021

Date of Decision: 31.08.2021

Ram Dayal

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Alok Kumar Jain, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate General,
Haryana, for respondent No.1.

Mr. Prateek Mahajan, Advocate
for respondent No.2 to 4.

Anil Kshetarpal, J.

1. Through this writ petition, the petitioner prays for issuance of the writ in the nature of mandamus directing respondent No.2 to 4 to decide the petitioner's claim and in case any adverse order is passed, he should be granted seven days time to file reply.

2. The petitioner claims that he is in possession of a house constructed on plot measuring 200 square yards in *khasra* No. 771 in village Nathupur, Gurugram, since time immemorial. He claims that the ration card and electricity connection have been issued by the concerned officials. It is further claimed that the Gram Panchayat allotted 100 square yards plot, out of the plot in his possession, in favour of a poor person on 26.04.1997.

3. The petitioner received a notice under Section 408-A(1) of the

has encroached upon the land of the Municipal Corporation. The petitioner has already filed a reply. He claims that no order thereon has been passed.

4. Mr. Samarth Sagar, Additional Advocate General, Haryana, enters appearance on behalf of respondent No.1, whereas Mr. Prateek Mahajan, Advocate, has entered appearance on behalf of respondent No.2 to 4. They state that the petitioner has already filed two civil suits with respect to the property in dispute against the Municipal Corporation, Gurugram, wherein he has failed to get the interim protection. It is further informed that the petitioner withdrew the first suit, whereas the second suit is pending.

5. Learned counsel representing the petitioner submits that he may be permitted to withdraw the petition as the petitioner did not disclose these facts.

6. Keeping in view the facts of the case, it is apparent that the petitioner has attempted to indulge in forum shopping. He has not only concealed the correct facts but has also tried to abuse the process of the Court.

7. Keeping in view the aforesaid facts, this Bench declines to go into the merits of the case and dismiss the writ petition at the outset with an exemplary cost of ₹1,00,000/-, which shall be recoverable from the petitioner as arrears of land revenue.

(Anil Kshetarpal)
Judge

August 31, 2021
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No