

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

123 (PROCEEDINGS THROUGH V.C.)

Civil Writ Petition No.25076 of 2021

Date of Decision: January 19th, 2022

Ananya Mittal

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Mayur Kanwar, Advocate
for the petitioner.

Mr. Raman Sharma, Additional Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 16.12.2021, following order was passed.

“Learned State counsel has sought instructions and has placed on record communications dated 28th and 29th September, 2020, which were duly sent to the petitioner informing him the deficiency in the application. Response thereto, was received from the petitioner on 2nd November, 2020. Thereafter two communications dated 8th March, 2021 were sent to the petitioner informing that the area falls within the Municipal Corporation, Panchkula, therefore, he must apply in Urban Local Bodies, Haryana, Panchkula for the change of land use.

In these communications reference has been made to the application dated 26th February, 2021 which has been sent through e-mail by the petitioner. All these communications which have been sent to the petitioner have not been mentioned in the writ petition.

Let, appropriate affidavit be filed by the respondents detailing therein the processing of the application which has been submitted by the petitioner. In case these assertions as have been made by learned State counsel are found to be correct, it appears that the petitioner has tried to mislead the court and has kept vital documents and information with himself without disclosing the true facts before the Court. It

is a case for imposition of heavy cost.

List for consideration on 19th January, 2022.”

In compliance with the said order, affidavit dated 18.01.2022 of the District Town Planner (E), Panchkula, has been received through email, wherein the factual assertions as have been made by the counsel for the State on the last date of hearing i.e. 16.12.2021 as recorded above, have been substantiated not only on the basis of the averments made in the said affidavit but is also supported by documents.

Despite the petitioner being aware of these factual aspects, no mention with regard to this aspect that he has already been indicated and informed that the competent authority to take a decision on the same is the Urban Local Bodies, Haryana, Panchkula, for the change of land use.

Counsel for the petitioner prays for withdrawal of the writ petition.

In the light of the affidavit, which has been filed by the District Town Planner (E), Panchkula, we permit the withdrawal of writ, however, we find the present case to be a case of misuse of process of law by the petitioner by making an effort to take the Court for a ride and, therefore, impose costs of ₹40,000/- to be deposited by the petitioner within a period of one week from today with the Haryana State Legal Services Authority.

Dismissed as withdrawn with above observations.

(AUGUSTINE GEORGE MASIH)
JUDGE

January 19th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No