

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

214

CWP-789-2018

Date of Decision: 14.03.2023

MALKIT SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: None for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed seeking issuance of directions to the respondents for removing earth from the land of the petitioner.

Reply by way of affidavit of Harinder Pal Singh Bedi, Executive Engineer, Maili Construction Division, Chandigarh has been filed on behalf of respondent No.1. The relevant extract of the same is reproduced hereinafter below:

“3. That the present writ petition is misuse of process of law as the petitioner on earlier occasion filed number of false and frivolous cases/litigations but in all the cases he could not succeed. The petitioner is habitual offender of filing false and frivolous litigation against the petitioners and to harass them. From the facts of the case it is clearly stated that the petitioner earlier filed CWP 115 of 1998 and NO also filed COCP No. 823 of 1998, in which the respondents filed specific reply to the said COCP and the said COCP was Disposed off. Copy of order and reply are attached as Annexure R-1. The petitioner filed suit for

mandatory injunction before the Civil Court at Kharar and the same was also decided against him vide order dated 27.10.2015. Copy of judgment is attached as Annexure R-2. The petitioner filed civil appeal against the order dated 27.10.2005 and the said appeal was allowed and parties were directed to appear before the Ld Court vide order dated 13.03.2007 Copy of order is attached as Annexure R-3. The respondents duly appeared and proceedings were going on before the Ld. Court and also gave specific reply to the said civil suit as well as amended suit and the same was decreed against the petitioner vide order dated 24.07.2010. Copy of judgment dated 24.07.2010 is attached as Annexure R-4. Beside this the petitioner also filed a contempt petition, which was also decided by the Ld. Court. Copy of order is already attached as Annexure R-1. The petitioner even did not stop here and filed a suit for mandatory injunction before the Court at Kharar, the respondent appeared and filed specific reply to the said suit and the same was also decided against the petitioner vide order dated 09.08.2011. Copy of judgment is attached as Annexure R-5.

4. That the present writ petition is also liable to be dismissed on the ground that the petitioner made false and frivolous representation to the respondents upon which proper reply was given and even enquiry /proceedings was initiated and on each proceedings the claim of the petitioner was found as false. Copy of enquiry /report is attached as Annexure R-6.

5. That the present petition is also liable to be dismissed as the petitioner is initiating false and baseless proceedings just to harass the respondents and to obstruct them from doing their official duties, as they are bound to appear before the Court on false and frivolous litigation, as such the motive of the petitioner is only to disturb the official work of the respondents.”

There is no representation on behalf of the petitioner for the last three dates successively. It seems that the petitioner is not interest in pursuing the present petition.

Dismissed for want of prosecution.

14.03.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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