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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 647/2017

SURYA PRAKSH TAYGI ..... Petitioner

Through Mr. Divij Soni, Advocate  
versus

ANIL BAIJAL LT GOVENER & ORS ..... Respondents

Through Mr. Mukesh Gupta, Standing Counsel  
with Mr. Shashi Gupta, Advocate for  
NDMC

**CORAM:**

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**

**ORDER**

% **06.07.2018**

**CONT.CAS(C) 647/2017 & C.M. No.26288/2018 (Directions)**

The present petition prays as follows:

“a) initiate proceedings for contempt of this Hon’ble Court against the Respondents/Contemnors and prosecute them in accordance with law for wilful disobedience of order dated 06.05.2009, passed in WP(C) No.7501/2007, titled as “Surya Prakash Tyagi vs. Lt. Governor & Ors.”

It is the petitioner’s grievance that despite directions issued by this Court vide order dated 06.05.2009 in W.P.(C) 7501/2007, titled as ‘*Surya Prakash Tyagi vs. Lt. Governor & Ors.*’, the respondents have failed to take necessary action and are consequently, in gross violation of the said directions. It is, therefore, prayed that the respondents ought to be proceeded against for committing contempt of Court. At the outset, it would be relevant to point out that a

Division Bench of this Court, whilst disposing of the said writ petition vide order dated 06.05.2009, observed as follows;

“8. In view of what has been stated hereinabove, we are of the view that the present petition is not a genuine public interest litigation but is a *mala fide* petition. Further the petitioner has not disclosed full and complete facts to the Court and has withheld and suppressed material facts from this Court.

10. The present petition styled as a “Public Interest Petition” is clearly an abuse of process of the court for the reasons stated hereinabove. The petitioner is also guilty of making false averments and allegations in the writ petition. The petitioner has clearly not approached this Court with clean hands and has not stated the correct facts. The petitioner is clearly guilty of deliberately making false and wrong averments in the writ petition and is not entitled to any relief from this Court. The conduct of the petitioner in resorting to the aforesaid mis-statements, false averments and suppression of material facts is a gross abuse of the process of court. A person who makes false averment and does not come to the court with clean hands is liable to be thrown out at the threshold and appropriate action initiated against him in accordance with law. The present petition is clearly motivated by private malice and vested interest. The writ petition is liable to be rejected at the threshold with exemplary costs.

11. The petitioner has withheld material facts with regard to the *inter se* litigation between his family pertaining to the land in question in the writ petition. The petitioner clearly had an ulterior move behind filing the present writ petition as explained by the impleaded respondents in their applications. It has been

stated by the impleaded respondents that they are residents of Colony Hardev Nagar, Jharoda Majra Burari, Delhi-110084 which is not provisionally granted a regularization certificate by the Government of Delhi as the process of regularization of the unauthorised colonies in Delhi is under way. Needless to say, that the outcome of any proceedings for regularization would be decided by the concerned authorities in accordance with law. It would be open to the impleaded respondents to file undertakings before the concerned authorities stating therein that no further construction, contrary to law, would be carried out and on their doing so, it would be open to the authorities to consider and decide in accordance with law whether the properties can be de-sealed in view of the said undertakings.”

A perusal of the above extracted paragraphs clearly reflects that the petitioner, motivated by personal interest, instituted a public interest litigation in a *malafide* manner by withholding and suppressing the material facts from this Court. The petitioner was further observed to be guilty of making false averments and allegations in the present petition with ulterior motives. As a consequence, this Court by way of the said order dated 06.05.2009, disposed of the petition by imposing a cost of Rs.50,000/- on the petitioner.

Learned counsel appearing on behalf of the petitioner states that he has no instructions as to whether the cost of Rs.50,000/- imposed by this Court vide the said order dated 06.05.2009, has been deposited or not before this Court.

In view of the foregoing, the petitioner is directed to remain present before this Court on the next date of hearing to show cause as to why necessary steps be not taken against him to recover the costs hitherto, imposed by this Court, as well as, to explain why further costs be not imposed on him for instituting the present proceedings, which prima facie constitute an abuse of the process of law.

List on 11.09.2018.

**SIDDHARTH MRIDUL, J**

**JULY 06, 2018**

*as*