

MR. ASHOK KUMAR AND ORS.  
v  
DELHI DEVELOPMENT AUTHORITY

SEPTEMBER 9, 1994

[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

*Constitution of India, 1950: Articles 32 and 136. Order passed under Article 136 attaining finality—Writ filed subsequent thereto—Held not maintainable.*

This petition has been filed by the petitioners subsequent to the order passed by this Court under Article 136 became final.

Dismissing the petition, this Court

**HELD :** The writ petition filed under Article 32 of the Constitution is not maintainable. It is sheer abuse of the process of the Court and so dismissed with costs of rupees thirty thousand, which the Supreme Court Legal Aid Committee is entitled to recover from the petitioners. [338-D]

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 516 of 1994.

(Under Article 32 of the Constitution of India.)

Mrs. Shyamla Pappu, and Ashok K. Mahajan for the Petitioners.

The following Order of the Court was delivered :

The litigation ultimately ended in Civil Appeal Nos. 668-669 of 1988 dated August, 16, 1993 and the matters were disposed of by a Bench of three Judges of this Court with the following directions :

"We, therefore, partly allow the appeal of Delhi Development Authority in so far as these ten members are concerned and direct that on their depositing the amount in respect of plots calculated at 5% of Rs. 19,759. per square meter the Delhi Development Authority will allot them the plots at or near about the site in question. As the total amount to be paid would depend on the area of the plot, would direct the Delhi Development Authority to

- A communicate the amount which each of these ten members will be required to pay at the above rate and on receipt to such communication the said ten members will make the payment within one such month failing which they will forfeit their right to claim the plots allotted to them. Be it noted that no extension of time will be given because this is the third indulgence given to them.
- B The appeals will stand disposed of as above with no order as to costs."

- C Now the writ petition under Art. 32 of the Constitution has been filed contend, that contrary to the orders and also the letter was issued on July 1, 1994 directing the appellants, to pay excess amounts and that, therefore, they should be protected by *mandamus* under Article 32 of the Constitution. The order passed by this Court exercising power under Article 136, became final and writ petition under Article 32 of the Constitution is not maintainable. The writ petition is sheer abuse of the process of the Court and so dismissed with costs of rupees thirty thousand, which the Supreme Court Legal Aid Committee is entitled to recover from the petitioners.
- D

The writ petition is accordingly dismissed.

T.N.A.

Petition dismissed.