

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

LPA No. 386 of 2015 (O&M)

DATE OF DECISION : 17.09.2015

Shahzad Khan

.... APPELLANT

Versus

Union of India and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. R.S. Kundu, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the interim order dated 20.01.2015 passed by the learned Single Judge in the writ petition (CWP No. 4562 of 2014) filed by the appellant and others. The said order reads as under :-

“Interim order dated 11.3.2014 is vacated since the petitioners have not disclosed the pendency of contempt petitions and other related litigation where such orders have been passed which if brought to the notice of the court would have resulted in a different treatment of the petition(s).

In these matters, orders have been passed regularly, urging the State to clear the heritage sites of encroachments and thus restraint orders passed would necessarily stall the process of liberating sites of encroachments besides giving a

convenient handle to the official respondents to put the issue on a back burner.

On request of learned counsel for the State of Haryana, the matter is adjourned to 11.3.2015.”

Though there is delay of 18 days in filing the appeal and the appellant has filed application (CM No. 749-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

After hearing learned counsel for the appellant, we are not inclined to interfere with the impugned order, as in the writ petition filed by the appellant, he did not disclose the earlier litigation as well as pendency of the contempt petitions. Keeping in view concealment of these facts, the learned Single Judge has rightly ordered to vacate the interim order dated 11.3.2014. We are of the opinion that when a litigant approaches the court with unclean hands and conceals the material facts from the court, he is not entitled for the interim relief.

Dismissed.

However, the writ petition filed by the appellant be decided expeditiously.

(SATISH KUMAR MITTAL)
JUDGE

September 17, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE