

CWP No.10630 of 2017

[1]

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

**CWP No.10630 of 2017
Date of decision:14.11.2017**

Mahesh Kumar Soni and another ...Petitioners

Versus

State of Haryana and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Harinder Singh Sandhu, Advocate,
for the petitioners.**

Rakesh Kumar Jain, J.

The petitioners have prayed for the issuance of a writ in the nature of *mandamus* directing the respondents to allot the proposed shops/booths on the opposite side of the Bus Stand at the Collector rate of the year 2003-2004 in terms of the policy of the Haryana Government.

Counsel for the petitioners has submitted that the petitioners are in possession of the property in question as tenants. The State of Haryana has made a policy to sell the land, buildings and shops of the Municipal Committees/Municipal Councils, which are on lease/licence or on rent and fetching nominal income, to the persons in possession thereof by way of sale. In this regard, the Department of Urban Development, for the purpose of finalizing the sale price, constituted a Committee under the Chairmanship of the Deputy Commissioner of the District concerned. The petitioners have though made the prayer for allotment of shop but they did not disclose that they have already been offered Shop No.41 by the Deputy Commissioner, Ambala, in the year 2008. The said document has been appended by the

petitioners and brought to the notice of this Court for the first time by way of C.M. No.16382-CWP of 2017. It appears that the petitioners have deliberately concealed this document at the time of drafting the writ petition otherwise they would not have prayed for a direction to allot the shop/booth, for which the Deputy Commissioner, Ambala, has already asked them to give their consent in writing vide letter dated 23.06.2008 in respect of Shop No.41.

Consequently, since the petitioners have not approached this Court with clean hands, therefore, the present petition is dismissed on the ground of concealment of facts. They are also burdened with nominal costs of ₹2,000/-. However, the petitioners may, if so advised, approach the Deputy Commissioner, Ambala, in terms of his letter dated 23.06.2008, for the purpose of allotment of shop(s)/booth(s).

November 14, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No