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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1501-2017

Date of decision : 01.02.2017

Pawan Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Namit Khurana, Advocate
for the petitioners.

Mr. D. Khanna, Addl. A.G., Haryana.

Mr. Ashish Kapoor, Advocate
for the respondent No.4.

Mr. Parminder Singh, Advocate
for respondent No.6.

AMIT RAWAL, J. (ORAL)

Mr. Parminder Singh, Advocate has put in appearance on behalf of respondent No.6/Gram Panchayat and apprised this Court that Purshotam father of Ranbir Singh and Pawan Kumar and Khushi Ram husband of Ompatti/petitioner No.3, have already filed a civil suit for injunction with the following memo of parties and relief:-

“Memo of parties

1. Khushi Ram, aged 62 years, son of Sh. Chet Ram,
2. Purshotam son of Sh. Chet Ram,
3. Jasbir son of Sh. Khushi Ram,
4. Tejbir son of Sh. Khushi Ram, all resident of village

Khora Kheri, Tehsil Gharaunda, District Karnal.

... plaintiffs

Versus

- 1. Jai Bhagwati Construction, Village Kutana, P.O. Munak, District Karnal.*
- 2. E.D./General Manager of Refinery, Panipat.*
- 3. Gram Panchayat of village Khora Kheri, Tehsil Gharaunda, District Karnal through its Sarpanch.*

.... Defendants

Relief

It is, therefore, prayed that a permanent injunction restraining the employees/labourer of the defendants from digging the Nali/Drain from point C to D shown in red colour in the site plan for dirty water of the colonies towards the Western side of the road adjoining to the land of the plaintiffs illegally and forcibly in any way or manner may kindly be passed in favour of the plaintiffs and against the defendants in the interest of justice.

Any other relief or reliefs which this Hon'ble Court deems fit may also be granted to the plaintiffs."

The aforementioned fact has not been disclosed, much less, declining of the interim application, which was dismissed on 13.01.2017, whereas the present writ petition claiming the identical relief has been filed on 25.01.2017, whereas there is an absolute concealment. Almost 90% work of drain has been done.

At this stage, when confronted with this situation, learned counsel for the petitioner submits that their clients have not apprised this fact.

Resultantly, I do not comment upon the conduct of the

petitioners, though, their conduct had been deceitful to the learned counsel having fiduciary relationship.

Accordingly, the present petition is dismissed on this ground alone.

01.02.2017 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No