

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

C.W.P. No.15531 of 2017
Date of Decision:21.07.2017

Darshan SinghPetitioner

Vs.

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Sukhdeep Singh Bhinder, Advocate for the caveator-respondent No.5.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking quashing of the orders dated 21.03.2016, 03.08.2016 and 15.06.2017 whereby the request of the petitioner for changing the Naka from one place to another has been rejected.

There is a caveat application filed on behalf of respondent
No.5- Kuldeep Singh.

Learned counsel for the caveator has submitted that the petitioner had earlier filed an application for change of naka which was dismissed by the Deputy Collector vide his order dated 16.03.2016 (Annexure P.2). The said order was though open to appeal but no appeal was filed, therefore, attained finality. Thereafter, the petitioner filed similar application again before the Deputy Collector which was dismissed. He then filed appeal against that order before the Divisional

Canal Officer and succeeded. Then the respondent No.5 with three others, namely, Saroj Grover, Paramjeet Singh and Jagjeet Singh filed appeal to Superintendent Canal Officer. The appeal was allowed in favour of Saroj Grover, Paramjeet Singh and Jagjit Singh and Kuldeep Singh but the petitioner has impleaded only Kuldeep Singh, in order to challenge the order of Superintendent Canal Officer, meaning thereby the order passed in favour of Saroj Grover, Paramjeet and Jagjeet Singh has been accepted by the petitioner.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the petitioner has not approached the Canal Authorities with clean hands because when the order dated 21.03.2016 was passed by the Deputy Collector, the petitioner has the right to challenge that order by way of an appeal. The said order was not challenged and the petitioner, filed the second similar application without disclosing the earlier dismissal, which was otherwise dismissed and challenged the order of dismissal passed by the Deputy Collector dated 03.08 .2016 by way of an appeal before the Divisional Canal Officer. The said appeal was accepted then the respondent No.5 and three others filed the appeal which was accepted by the Superintendent Canal Officer. In these facts and circumstances, the petitioner has no moral ground even to maintain the present petition what to talk of legal grounds because he concealed the fact of having lost before the Deputy Collector on the same cause of action when the order dated 21.03.2016 was passed.

With these observations, the present petition is found to be

without merit and the same is hereby dismissed though without any order of costs.

July 21, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No