

CWP-4858-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4858-2018 (O&M)

Date of Decision: December 06, 2018

Harjit Singh

...Petitioner

Versus

Financial Commissioner, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab,
for respondents No.1 to 4.

Ms. Sonia G. Singh, Advocate
for respondents No.5 to 7.

AUGUSTINE GEORGE MASIH, J. (ORAL)

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Written statement on behalf of respondents No.5 to 7 is taken
on record, subject to all just exceptions.

Application stands disposed of.

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Petitioner has approached this Court praying for setting aside
the order/*Sanad Taksim* dated 07.04.2014 (Annexure P-4) passed by the
Assistant Collector First Grade, Sangrur.

Written statement has been filed by respondents No.5 to 7,
wherein, a preliminary objection has been taken that the petitioner has

already availed of his remedy by filing a civil suit for the same cause of action and that the said factum is not disclosed in the writ petition. On 16.11.2018, when the case was taken up for hearing, following order was passed:-

“The preliminary objection on behalf of respondents no.5 to 7 as regards the petitioner having already initiated civil proceedings for the same very relief, was noticed by this Court in the order dated 29.5.2018. At that stage, counsel for the petitioner had sought time to verify the facts.

During the course of resumed hearing today, adjournment has been sought on the ground that Mr. B.S. Jatana, Advocate for the petitioner is not available.

Post the matter on 6.12.2018.

It has been made clear to proxy counsel that in case arguments are not addressed on the adjourned date, the interim order dated 28.2.2018 would stand vacated.”

Learned counsel for the petitioner very fairly states that the objection as raised by the counsel for respondents No.5 to 7 is factually correct. He, however, makes an attempt to assert that this is the only remedy available to the petitioner.

This Court, in the facts and circumstances of the present case, especially when the petitioner had initiated civil proceedings for the same cause of action challenging the order/*Sanad Taksim* dated 07.04.2014 (Annexure P-4) and above all, not disclosing the said fact in the writ petition while approaching the Court, refuses to grant any equitable relief in exercise of its writ jurisdiction for the reason that a person when not

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approached the Court with clean hands and not disclosed the true facts, is not entitled to such an equitable relief.

In view of the above, the present writ petition stands dismissed.

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In the light of the disposal of the main writ petition, no order is required to be passed in the present application as the same has been rendered infructuous.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 06, 2018
Harish

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