

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

**CWP No.23128 of 2018**

**Date of Decision : 21.02.2019**

Sanjay Sukhija

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR JUSTICE LALIT BATRA

Present: Mr.Manoj Kaushik, Advocate  
for the petitioner.

Mr.Deepak Sabharwal, Advocate  
for the respondents.

**MAHESH GROVER, J.(O)**

This writ petition has been filed by the petitioner praying for setting aside the eviction notices dated 04.02.2013, 29.04.2016 and 21.06.2016 as also the orders dated 17.04.2018 and 01.08.2018.

The petitioner claims himself to be in physical possession of a commercial property belonging to HUDA and questions the move to evict him.

This Court on 12.09.2018 noticed the willingness of the petitioner to pay either the revised rent as per market rate or the current allotment price if booth is allotted to him. On the strength of this assertion notice of motion was issued.

Learned counsel for the respondents has put in appearance and contended that the petitioner has not approached this Court with clean hands as he has withheld the information of filing a civil suit on a same cause of action and suffered two judgments one by the trial court and the other by the first appellate court where his plea has been negated. It is further stated that the petitioner has since been evicted from the booth in

question.

We view the lapse of the petitioner in withholding the information of filing a civil suit from this court with seriousness that it deserves. No person can approach the court and seek equitable relief if he does not disclose the entire facts which have a bearing on the controversy. The petitioner was agitating this matter before the civil court and, therefore, was obliged to disclose this fact. As he has not done so, therefore, we dismiss the present petition with costs of Rs.20,000/- which shall be deposited with the Mediation and Conciliation Centre of this Court within one month. We also decline any direction on equity i.e. of the option to bid for the booth by paying the market price as he has already been evicted.

Petition dismissed.

(MAHESH GROVER)  
JUDGE

21.02.2019  
dss

(LALIT BATRA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |