

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

**Civil Writ Petition No. 15476 of 2014**

**Date of Decision : February 26 , 2020**

**Dilbag Singh**

**..... PETITIONER(S)**

**VERSUS**

**State of Haryana and others**

**..... RESPONDENT(S)**

**CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: Mr. R.K. Hooda, Advocate, for the petitioner.  
Mr. Rajesh Gaur, Additional Advocate General, Haryana.  
Mr. Vishal Yadav, Advocate, for  
Mr. Ajay Ghangas, Advocate, for respondent No.3.  
Mr. Arun Luthra, Advocate, for respondent No.4.

**Sanjay Kumar, J.**

The prayer of the petitioner in this case reads as under:-

'Civil writ petition under article 226/227 of Constitution of India praying for issuance a writ in the nature of certiorari calling for the records of respondents concerning the house no. 264 Ward no. 18 (earlier under different numbers house no. 449, Ward no. 12/423 A, Ward 13 and house no. 879, Ward no.15) and concerning the notice dated 04.04.2014 Annexure P-12, notice dated 21.04.2014 Annexure P-15 and order Annexure P-16 vide which the house in question has been deleted from the property registered of ward no. 18 and other relevant record concerning the house in question and after perusal of the record the order Annexure P-16 be set aside and to further issue a writ in the nature of Mandamus directing the respondents not to harass the petitioner on the critics of not existing of the property in the Municipal records in future, when house in possession situated in Abadi Deh with in old

Lal Dora of the Village Inder Garhi.'

After institution of this writ petition, the 4<sup>th</sup> respondent got himself impleaded. It was his case that the house property claimed by the petitioner as House No.264 is actually House No.265, which was owned by him.

Further, Mr. Arun Luthra, learned counsel for the 4<sup>th</sup> respondent, would inform this Court that the petitioner willfully suppressed the fact that he earlier filed a suit and suffered an adverse judgment in relation to the very same house property which is the subject matter of this writ petition. He would point out that judgment dated 25.04.2017 (Annexure R-4/1) was not even mentioned by the petitioner deliberately and that this showed the lack of *bonafides* on his part.

Perusal of Annexure R-4/1 indicates that the said judgment was delivered by the learned Civil Judge (Junior Division), Gohana, in Civil Suit No.472 of 04.09.2012/03.09.2012 and the date of the decision was 25.04.2017. This suit was filed by the petitioner against the Sub Divisional Officer, OP City, Sub Division, UHBVN, Gohana; the Uttar Haryana Bijli Vitran Nigam Limited; and the 4<sup>th</sup> respondent herein, for a permanent injunction. By the said judgment, the trial Court recorded the finding that the petitioner herein, the plaintiff in the said suit, did not lead any evidence to prove a family partition and that his claim of ownership over the suit property was doubtful. In consequence, the suit was dismissed with costs.

The record reflects that the petitioner also filed Civil Suit No.107/1 of 2012 before the learned Civil Judge (Senior Division),

Gohana, against the 4<sup>th</sup> respondent and his wife, apart from a third party, seeking a permanent injunction and this suit was also dismissed by judgment dated 17.02.2017.

Significantly, the petitioner chose to disclose the fact that he had filed Civil Suit No.107/1 of 2012 but made no mention whatsoever of the fact that he had filed Civil Suit No.412 of 2012 before the learned Civil Judge (Junior Division), Gohana, and that he had suffered an adverse judgment in April, 2017, which impacted his very claim of ownership over the subject house property. Though Mr. R.K. Hooda, learned counsel for the petitioner, would assert that appeals are pending in relation to both the aforesaid suits, the inescapable fact remains that the petitioner chose to suppress material particulars when he filed this writ petition. It is not open to a party who approaches this Court seeking discretionary relief to withhold information as per their choice or whims and fancies. All the facts have to be disclosed necessarily to project a true, proper and complete picture of the attending circumstances and it is not open to a party to selectively narrate the factual history.

In this regard, reference may be made to the following observations of the Supreme Court in ***K.D. Sharma v/s. SAIL [(2008) 12 SCC 481]***:

38. .... As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play “hide and seek” or to “pick

and choose” the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because “the court knows law but not facts”.

If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the Court, the Court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the Court does not reject the petition on that ground, the Court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of Court for abusing the process of the Court.

Viewed in the light of the aforestated edict, this Court is of the opinion that the petitioner clearly committed abuse of process when he filed this writ petition with incomplete and selective particulars. He is therefore not entitled to seek adjudication of this *lis* on merits.

The writ petition is accordingly dismissed on the ground of abuse of process.

There shall be no order as to costs.

February 26, 2020  
Kang

( Sanjay Kumar )  
Judge

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