

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

Date of Decision: 01.04.2021

CWP No.8643 of 2020

Mahabir		...Petitioner
	Versus	
State of Haryana & ors.		...Respondents

CWP No.10329 of 2020

Sona Devi		...Petitioner
	Versus	
State of Haryana & ors.		...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Sandeep Lather, Advocate,
for the petitioner.

Ms. Shubhra Singh, Addl.A.G.,Haryana.

Mr. Ashok K. Sharma Bhana, Advocate,
for respondent No.6.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This order shall dispose of two writ petitions bearing No.8643 and
10329 of 2020.

On 15.02.2021, the following order was passed:-

“None has put in appearance on behalf of the
petitioner (s).

Learned counsel for respondent No.6 has
brought to our notice order dated 26.08.2020,
followed by order dated 14.10.2020, which deals with
the aspect that the maintainability of the writ petition

itself would be in question in the light of the fact that certain material facts have not been disclosed before the Court, rather the same have been intentionally omitted in the pleadings especially with regard to the pendency of the suit before the Civil Court.

Since the learned counsel for the petitioner(s) is not present today, the question with regard to the vacation of the initial order directing respondents not to take coercive action against the petitioner(s) till further orders, will be considered on the next date of hearing.

In the meanwhile, status report with regard to the action taken by the respondent-official authority in pursuance to the orders passed by this Court, especially order dated 08.01.2021 be submitted within a period of four weeks

List on 01.04.2021.

Copy of this order be placed on the file of connected cases.”

In pursuance to the said order, we have heard learned counsel for the parties.

Learned counsel for the petitioner very fairly submits that the petitioner has not mentioned the factum of the pendency of the civil suit for the same cause of action for which the present petition has been preferred by the petitioner. It is also admitted by the counsel that it was subsequently that the application for withdrawal of the said civil suit was moved, which has been accepted and the civil suit stands withdrawn. He further states that the withdrawal of the civil suit was delayed because of COVID-19 pandemic. He asserts that the petitioner had not intentionally withheld the said information

score alone.

The contention as raised by learned counsel for the petitioner is unacceptable as the equitable jurisdiction should only be exercised by this Court in case a litigant approaches the Court with clean hands and discloses the true facts. In the present cases, it is difficult to accept the contention of learned counsel for the petitioner that the petitioner had not intentionally withheld the factum of pendency of the civil suit. The writ petition on this score alone deserves to be dismissed.

Ordered accordingly.

We are not imposing costs in both the cases keeping in view the submission of learned counsel for the petitioner that the petitioner is a poor person.

In compliance to the order dated 15.02.2021 passed by this Court, status report dated 31.03.2021 has been filed by the Block Development and Panchayat Officer, Alewa, wherein it has been stated that in the demarcation report dated 24.12.2020, 268 illegal encroachments were found on the Panchayat land. Gram Panchayat Raichandwala-respondent No.6 has filed cases under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 against 268 encroachments on the Gram Panchayat land in the Court of Assistant Collector, 1st Grade, Uchana, Tehsil Uchana, District Jind, where the next date of hearing is 01.04.2021.

In the light of the above status report, direction is issued to the Assistant Collector, 1st Grade, Uchana, to conclude the proceedings within a period of six months from today.

Since the main writ petitions have been disposed of, all the

pending civil miscellaneous applications, if any, also stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

01.04.2021
monika

(MEENAKSHI I. MEHTA)
JUDGE

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