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

**CWP No.1965 of 2022(O&M)
Date of Decision:08.03.2022**

NANBAIPetitioner
Vs
STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Ashwani Bhardwaj, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G, Haryana
for respondents No.1 and 2.

Mr. Puneet, Jindal, Sr. Advocate with
Mr. Amandeep Singh Meho, Advocate
for respondents No.3 to 9.

Mr. Abhilaksh Gaind, Advocate &
Mr. Rakesh Roy, Advocate
for respondents No.11 & 12.

RAJ MOHAN SINGH, J. (Oral)
CM No.3264 of 2022

For the reasons mentioned in the application, the same
is allowed. Written statement on behalf of respondents No.11
and 12 is taken on record, subject to all just exceptions.

Main case

Learned Senior counsel for respondents in terms of
their stand took preliminary objections with regard to

maintainability of the present writ petition in the light of pending suit for permanent injunction.

Learned counsel for the petitioner submits that petitioner has made a recital in sub para 3(vi) of the writ petition showing filing of suit for permanent injunction in a Civil Court at Dadri seeking to restrain the respondents from erecting poles from the land of the petitioner.

Learned counsel for respondents jointly pointed out that even prayer for grant of interim injunction has been rejected by the Civil Court against which an appeal is pending before the Lower Appellate Court. As of now, the petitioner has availed two remedies. The petitioner has not mentioned about the status of injunction in this petition by concealing the material facts.

Learned counsel for respondents by relying upon **CWP No.23897 of 2015 titled 'Bhagwati Nigam Gram Udyog Mandal Ugala Vs. State of Haryana and Others'** decided on 24.02.2016 and **Orissa Power Transmission Corporation Limited and Others Vs. Asian School of Business Management Trust and Others, 2013 (SCC 738)** contends that the petitioner cannot maintain two parallel remedies and that too by concealment of fact to the extent of not disclosing the factum of dismissal of prayer for interim relief i.e. rejection of stay application before the Civil Court. In the light of observations

made in **Bhagwati Nigam Gram Udyog Mandal Ujala** (supra), **SK Mittal Environmental Engineer Vs. State of Haryana, 1996 (4) RSJ 489** and **Pardeep Kumar Vs. Maharshi Dayanand University, Rohtak, 2000(1) RSJ 510**, the petitioner cannot avail two parallel remedies at one point of time. Even, the petitioner has already availed the alternative remedy of filing civil writ.

Having considered the submissions on the preliminary threshold, I find that the petitioner has already chosen to seek remedy in a Civil Court and thereafter he cannot turn around to say that the remedy availed of in the form of civil suit is not an efficacious or effective remedy. Till date suit has not been withdrawn.

The person who has not come to the Court with clean hands does not deserve any equitable relief. Fraud vitiates all solemn acts and has no equities in law. The person committing fraud can be thrown out at any stage of litigation. The Hon'ble Apex Court in catena of judgments viz. **S.P. Changalvaraya Naidu (dead) by LRs. vs. Jagannath (dead) by LRs., 1994 AIR (SC) 853; Hamza Haji vs. State of Kerala and another, 2006(7) SCC 416; A.V. Papayya Sastry and ors. vs. Government of A.P. and ors, 2007(2) RCR (Civil) 431; Balwant Rai Tayal vs. M/s Subhash Oil Company, Hisar**

through Sh. Raghunath Sahi, 2003(2) RCR (Rent) 148;
Badami (deceased) by her LR vs. Bhali, (2012) 11 SCC 574;
and Ramesh Kumar and another vs. Furu Ram and another,
(2011) 8 SCC 613 has authoritatively held the aforesaid propositions to the disadvantage of the person committing concealment and fraud.

In view of the aforesaid position, I deem it appropriate not to grant any indulgence in the writ petition. Consequently, the present writ petition is dismissed.

08.03.2022
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No